

SEVENTIETH DAY

(Thursday, May 27, 1965)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Palman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with, and the Journal was approved.

Morning Call Dispensed With

On motion of Senator Herring and by unanimous consent the Morning Call was dispensed with.

Presentation of Original of Senate Resolution 754 to Senator Dies

The President recognized Senator Herring and he requested Senator Dies to proceed with him to the Reading Clerk's Desk at the Bar of the Senate.

Senator Herring presented to Senator Dies the original of S. R. No. 754 which had changed the name of Dam B. State Park in Jasper and Tyler Counties to the "Martin Dies, Jr., State Park" and had been signed by the Lieutenant Governor and all Members of the Senate of the 59th Legislature. In making the presentation, Senator Herring stated that the presentation of the framed resolution was a token of the "affection and respect of the Members for the esteemed Senator from Angelina."

Senator Dies accepted the gift and expressed appreciation and love for each and every one of the Members of the Senate.

House Concurrent Resolution 153 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 153, Pertaining to the Governor making certain appointments to the Texas Water Rights Commission.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

Senate Resolution 782

Senator Hardeman offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, James P. Word, Jr., known as "Jimbo," son of Senator and Mrs. J. P. Word of Meridian, Texas; and

Whereas, The Senate of Texas welcomes this young Texan and desires to utilize the service of this fine young citizen while in our midst, now, therefore, be it

Resolved By the Senate of Texas that James P. Word, Jr. be and he is hereby designated as Honorary Page of the Senate.

The resolution was read and was adopted.

Senator Hardeman by unanimous consent presented "Jimbo" to the Members of the Senate.

Senate Resolution 785

Senator Hardeman offered the following resolution:

Whereas, The month of May with its breath of spring and effervescent freshness sees many of the romances begun aforesaid, as well as during, ripening into wedded bliss; and

Whereas, On the return from the South Pacific of a young war veteran following completion of a military mission, and while purporting to fulfill a mission for Cupid by personally delivering a letter from his friend to

a young lady also serving her country as a member of the SPARS, he struck sparks redolent with romance which burst into flame, reminiscent of the love story of the beautiful Virginia maiden, Priscilla, and John Aiden, emissary of his commanding officer, Captain John Smith; and the results of the meeting paralleled those of the Puritan tale, when he was encouraged "to speak for himself"; and

Whereas, It was only a short while before the charming Miss Marie Teresa Bologna of Gary, Indiana and Jim Bates, native of Waelder, Texas, but a resident of the lower Rio Grande Valley since 1927, were joined together in the Holy bonds of matrimony in which state they have continued to live since May 29, 1945 and rear their children—a son, Jim, Jr., and two daughters, Barbara Ann and Laura Lou, all of whom are attending school in Texas; and

Whereas, While Mrs. Bates has devoted herself, her time and her talents to her home, her family and her community and State, her husband has been engaged in the practice of law while serving as State Representative in the 53rd and 56th Legislatures, Criminal District Attorney for Hidalgo County, and as a member of the Senate of the 58th and 59th Legislatures in each of which positions he has rendered distinguished and honorable service; and

Whereas, It is the desire of the members of the Senate of the 59th Legislature to express their warm felicitations and extend their congratulations to Terry and Jim on their 20th wedding anniversary and wish for them many additional years together as along life's pathway they travel; now, therefore, be it

Resolved, By the Senate of Texas that it does hereby express its warm felicitations and congratulations to our distinguished colleague Jim Bates and his charming helpmate, Terry, and that a copy of this Resolution be delivered to them under the Seal of the Senate, as evidence of the esteem in which they are held.

HARDEMAN

Signed—Preston Smith, President; Aikin, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Krueger, Moore, Parkhouse, Patman, Ratliff,

Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Patman and by unanimous consent the names of the President and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted.

Senator Hardeman by unanimous consent presented Senator Bates and Mrs. Bates to the Members of the Senate.

Senate Resolution 786

Senator Hardeman by unanimous consent offered the following resolution:

Whereas, Anno Domini 1965, now less than one-half past, is a year in which many significant historic and political anniversaries as well as significant contemporary events have occurred; and

Whereas, Among the former is noted the 700th Anniversary of the birth of Parliament in England, even though the origin of parliaments goes back beyond this—the principal being well-established by the time William the Conqueror arrived in England in 1066. This took place only 50 years after another landmark in man's quest for freedom—namely, the signing and sealing of the Magna Charta; and

Whereas, The distinguishing monument of the Western World is not an arch like those of the Roman Forum, nor a temple on a Greek hill—it is, rather, the security which lies in the possession of a written constitution, in the home which is guaranteed security against unlawful intrusion, in the blackboards around the locally-controlled schoolroom; it is the freedom of speech, of assembly, of religion; it is the polling booth in which free men and women express their political will; and

Whereas, It is common to speak respectfully of the Parliament in Great Britain as "The Mother of Parliaments." This is so in the sense that it has nurtured other parliaments throughout the world. The pioneer Americans brought parliament with them as a part of their heritage: the

first Charter of Virginia, signed by King James I, provided the first colonists with "all liberties, franchises and immunities, as if they had been abiding and born within this, our realm."; and

Whereas, In this New World, they retained the promise, exacted by a committee of angry barons from a reluctant King John that he would adhere to the law of the land on that eventful day of June 15, 1215, on the meads of Runnymede, the promise whereby "commenced the history of the English nation," as said by Lord Macauley; and

Whereas, The Great Charter, one of the most significant documents ever evolved by man in the attempt to secure his rights, to guarantee human dignity, was designed to diminish the power of the King, cognizant of the struggle which exists in inverse ratio between Man and Government, aware as the one expands the other must recede; and

Whereas, The applicable principles set forth therein, along with additional ones found in the Petition of Rights in the Statutes of Westminster and subsequent enactments, were projected into the Declaration of Independence, adopted at Philadelphia in 1776, and secured by the Constitution of 1787 and the Bill of Rights adopted in 1791; and

Whereas, These documents were and are the result of long and laborious development—through "blood and toil, tears and sweat"—not from any single event, alone. There is incorporated therein the essentials of liberty—those principles of freedom, equality, justice and humanity for which American patriots sacrificed their lives and fortunes; and

Whereas, In this year, seven centuries away from that momentous date of the founding of English Parliament, from which stem those freedoms that patriotic Americans hold so dear, it is appropriate that the Senate of the 59th Legislature pause in its labors and mark this event of such great import to our world today; now therefore be it

Resolved, That the Senate of Texas by this Resolution recognizes the historical significance of "The Mother of Parliaments," the Parliament of Great Britain; and be it further

Resolved, That the Senate of the

59th Legislature commemorates the 700th Anniversary of the founding of the English Parliament, an event which influenced the course of Western Civilization and gave to America and its citizens a government and opportunities unequalled in recorded history.

The resolution was read and was adopted.

Memorial Service for J. Frank Dobie

The President recognized Senator Kennard and by unanimous consent, Senator Kennard introduced a memorial resolution for J. Frank Dobie. Senator Schwartz as a close friend was requested to proceed to the Reading Clerk's Desk and read the resolution.

Senator Kennard announced that Mrs. Dobie was present and the President appointed Senators Kennard, Herring, Hardeman, Hightower and Spears as a committee to escort Mrs. Dobie to the President's Rostrum.

The committee escorted Mrs. Dobie to the President's Rostrum.

Senator Schwartz proceeded to the Reading Clerk's Desk and read S. R. No. 787 (which is printed in full in the Memorial resolutions of today's Journal) to the guests and Members of the Senate.

The President presented Senator Kennard and he presented Mrs. Dobie to the Members of the Senate.

Mrs. Dobie expressed her appreciation for the resolution and stated that it "really expressed his character" and then thanked the Senate for the honor of being present.

Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 976, have had the same under consideration, and I am instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Herring by unanimous consent submitted the following reports:

Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 639, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 848, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 991 by vote of 141-2.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 788

Senator Parkhouse offered the following resolution:

Whereas, The Honorable Henry P. Kucera, City Attorney of Dallas, has resigned, effective June 1, and will enter private law practice after spending more than half a lifetime of service in the city attorney's office; and

Whereas, Mr. Kucera has served his adopted City of Dallas for 40 years, arriving in that city to accept a position as assistant city attorney in 1925, and being appointed to the top office of city attorney just 10 years later, where he continued to serve except for a period of military duty during World War II; and

Whereas, Henry Peyton Kucera was born the seventh of 12 children of a farmer who came from Czecho-Slovakia to settle near LaGrange in Fayette County; of this large family, all but one of the children went on to get college and business educations, a tribute to the ideals of the parents; and

Whereas, He attended Sam Houston State College and received his law degree from The University of Texas; he then served in World War I, entering as a private, and receiving his discharge as a staff sergeant; during World War II, he entered military government, joining the Army as major and rising to the rank of colonel; and

Whereas, He pioneered the way in many areas of municipal law and, in 1933, tried the first zoning case which legalized zoning in Texas cities; in 1935, he drafted the ordinance setting up a city parking meter system and defended it in the courts to set important precedents; and

Whereas, His efficiency and devotion to duty saved the people of Dallas many millions of dollars: in one case alone—when he successfully argued that the federal government should pay relocation costs along the right-of-way for the United States interstate highway system—Dallas was saved an estimated \$2 million; and

Whereas, Dallas, last year, took over the operation of the public transit system, and it was Mr. Kucera who was instrumental in building the legal framework for this operation and procedure; and

Whereas, He has successfully argued numerous cases before the United States Supreme Court, and during his long tenure gained the respect and affection of the 14 different mayors under whom he has served; and

Whereas, He is known by both associates and opponents in court for his dedication and conviction—as a man who never backs down from a legal

battle, but pursues the course he considers best for the city with fierce determination; and

Whereas, He is generous with his time and knowledge when his assistance is sought—and this is a frequent occurrence—by other city attorneys throughout the State of Texas; and

Whereas, During his 40 years of service with the City of Dallas, he has acquired national reputation and received professional recognition when he was elected president of the National Institute of Municipal Law Officers; also, in 1953, civic leaders in Dallas gave him a special dinner and presented him with a gold watch as an expression of appreciation; and

Whereas, It is appropriate that the Senate of Texas recognize this outstanding citizen, public servant, and highly qualified leader in his profession, who has imbued the office of City Attorney of Dallas with the esteem, the dignity and ideals, the efficiency and professional standards which will be a real challenge to his successor; now therefore be it

Resolved, That the Senate of the 59th Legislature pays tribute to The Honorable Henry Peyton Kucera, whose labors have meant so much to the citizens of Dallas and the entire state, and who serves as an example to city officials throughout Texas and elsewhere as the type of public servant to be emulated; and be it further

Resolved, That a copy of this Resolution, under the Seal of the Senate of Texas, be prepared for The Honorable Henry P. Kucera as an expression of appreciation by this body for his years of dedicated service.

PARKHOUSE
HERRING
HARDEMAN

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Harrington, Hazlewood, Hightower, Kazen, Kennard, Krueger, Moore, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Herring and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted.

Senate Resolution 792

Senator Hall offered the following resolution:

RESOLVED by the Senate of Texas that the Senate Enrolling Clerk be directed to delete the language in S. B. 547, Section 17 beginning with

"Then South along the City limits between Dallas and University Park to the Missouri, Kansas and Texas Railroad" and in lieu thereof add the following:

"Then south and west along city limits between Dallas and University Park to the Central Expressway;

Then south along the Central Expressway to Goodwin Avenue;

Then east along Goodwin Avenue to Greenville Avenue;

Then north along Greenville Avenue to the Missouri, Kansas and Texas Railroad;"

Also, delete the following language in Section 17: "Then west along the Gulf, Colorado and Santa Fe Railroad to Brookside Drive;

Then Northwest along Brookside Drive to Junius Street;" and insert the following:

"Then west and south along the Gulf, Colorado and Santa Fe Railroad to Beacon Avenue;

Then northwest along Beacon Avenue to Junius Street;

HALL
HARDEMAN

The resolution was read and was adopted.

House Bill On First Reading

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 904, To the Committee on Counties, Cities and Towns.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. C. R. No. 68, Creating a Planning Agency Council for Texas.

S. C. R. No. 87, Granting permis-

sion to John Horn, Sr., to bring suit against the State of Texas.

S. C. R. No. 88, Granting permission to Carroll L. Thompson to bring suit against the State of Texas.

S. C. R. No. 89, Granting permission to E. P. Jones to bring suit against the State of Texas.

S. C. R. No. 90, Granting permission to Dewey Hitt to bring suit against the State of Texas.

S. C. R. No. 91, Granting permission to Joe B. Cameron to bring suit against the State of Texas.

S. B. No. 55, A bill to be entitled "An Act relating to residence requirements for employees and officials of city governments; and declaring an emergency."

S. B. No. 141, A bill to be entitled "An Act to be known as the Uniform Commercial Code, Relating to Certain Commercial Transactions in or regarding Personal Property and Contracts and other Documents concerning them, including Sales, Commercial Paper, Bank Deposits and Collections, Letters of Credit, Bulk Transfers, Warehouse Receipts, Bills of Lading, other Documents of Title, Investment Securities, and Secured Transactions, including certain Sales of Accounts, Chattel Paper, and Contract Rights; etc., and declaring an emergency."

Signed, subject to the provisions of Section 49A of Article III of the Constitution of the State of Texas.

S. C. R. No. 112, Memorializing Congress to oppose legislation forbidding sale of firearms through the mails.

S. C. R. No. 116, Directing the Parks and Wildlife Department to enter into a contract with the San Jacinto Museum and History Association regarding the maintenance and custody of the San Jacinto Museum.

S. C. R. No. 118, Authorizing and directing state agencies to cooperate in a study of the most effective and efficient ways to establish and utilize a state owned center, to be established with funds from private and federal sources, in extending essential services to the blind, etc.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 591 by non record vote.

The House has concurred in Senate amendments to House Bill No. 1046 by vote of 143 ayes, 1 noe.

The House has concurred in Senate amendments to House Bill No. 161 by vote of 140 ayes, 1 noe.

The House has concurred in Senate amendments to House Bill No. 160 by vote of 145 ayes, 0 noes.

The House refused to concur in Senate amendments to House Bill No. 1042 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

Harding, Nugent, Townsend, Hendryx, and Thurmond.

The House has concurred in Senate amendments to House Bill No. 1132 by vote of 145 ayes, 1 noe.

The House has concurred in Senate amendments to House Bill No. 1140 by vote of 144 ayes, 0 noes.

H. C. R. No. 169, Authorizing certain corrections in House Bill No. 1129.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 976 Ordered Not Printed

On motion of Senator Cole and by unanimous consent H. B. No. 976 was ordered not printed.

Report of Standing Committee

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns to which was referred H. B. 904, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

House Bill 904 Ordered Not Printed

On motion of Senator Spears and by unanimous consent H. B. No. 904 was ordered not printed.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 474 by vote of 140 ayes, 5 noes.

The House has concurred in Senate amendments to House Bill No. 647 by vote of 136 ayes, 5 noes.

The House has concurred in Senate amendments to House Bill No. 157 by vote of 140 ayes, 3 noes.

The House has concurred in Senate amendments to House Bill No. 243 by non record vote.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill and Resolution on First Reading

The following bill and resolution received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 765, To the Committee on Jurisprudence.

H. C. R. No. 74, To the Committee on Jurisprudence.

Senate Bill 97 With House Amendments

Senator Hall called S. B. No. 97 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment No. 1

Amend S. B. 97 by striking Section 8 and placing in lieu thereof the following:

"Sec. 8. Acquisition of License by Present Examiners. On the effective date of this Act, any person who is actually engaged in the occupation, business, or profession of a polygraph examiner and who is using for that purpose the instrumentation prescribed in Section 3, shall, upon application within 90 days after the effective date of this Act and payment of the required license fee, be issued, without examination, a polygraph examiners license which shall be effective no longer than one year from date of issuance, provided, however, that the board may require such applicant to submit satisfactory proof that he is so engaged. The applicant must also satisfy such requirements of Section 7 (1) - (4) and (8) of this Act."

Committee Amendment No. 2

Amend S. B. No. 97 by striking Subsection (c) of Section 5 and by substituting in lieu thereof the following:

"(c) All fees collected under the provisions of this Act shall be paid to the Treasurer of the State of Texas. Funds necessary for the enforcement of this Act and the administration of its provisions shall be appropriated by the Legislature, but the funds so appropriated for a biennium shall not exceed the total amount of the fees which it is anticipated will be collected hereunder during such biennium."

Committee Amendment No. 3

Amend S. B. No. 97 by striking the sentence beginning on line 7 on page 6 and substituting the following:

"The Board shall initially determine all facts, but the Court upon appeal shall set aside the determination of the Board if the Board's determination (1) is not based upon substantial evidence upon the entire record; (2) is arbitrary or capricious; (3) is in violation of statutory requirements; or (4) was made without affording to licensee or applicant due process of law."

Committee Amendment No. 4

Amend S. B. No. 97 by deleting the words "without examination" appearing on line 10 of page 3 of the printed bill, and by adding "and (7)" following "(4)" appearing on line 14 of page 3 of printed bill.

Amendment No. 5

Amend Senate Bill 97 by striking all of Section 8 of the bill and placing in lieu thereof the following:

"Sec. 8. Acquisition of License by Present Examiners. On the effective date of this Act, any person who is actually engaged in the occupation, business, or profession of a polygraph examiner and who is using for that purpose the instrumentation prescribed in Section 3, shall, upon application within 90 days after the effective date of this Act and payment of the required license fee, be issued a polygraph examiners license which shall be effective no longer than one year from date of issuance, provided however, that the board may require such applicant to submit satisfactory proof that he is so engaged. The applicant must also satisfy such requirements of Section 7(1) - (4) and Section 7(7) - (8) of this Act."

The House amendments were read.

Senator Hall moved that the Senate concur in the House amendments.

The motion prevailed.

Record of Votes

Senators Patman, Dies, Strong, Cole, Rogers, Kazen, Harrington, Spears and Hardeman asked to be recorded as voting "Nay" on the concurrence in House amendments to S. B. No. 97.

House Bill 45 on Second Reading

The President laid before the Senate as unfinished business H. B. No. 45 on its passage to third reading (The bill having been read the second time on yesterday and further consideration postponed until today following the Morning Call.)

Question—Shall H. B. No. 45 be passed to third reading?

The bill was passed to third reading.

Record of Vote

Senator Harrington asked to be recorded as voting "Nay" on the passage of H. B. No. 45 to third reading.

The President laid the bill before the Senate on its third reading and final passage.

The bill was read the third time and was passed.

Record of Votes

Senators Aikin, Snelson, Rogers, Spears, Creighton, Herring, Parkhouse, Colson, Word, Crump, Hightower, Harrington, Dies, Strong and Hardeman asked to be recorded as voting "Nay" on the final passage of H. B. No. 45.

House Concurrent Resolution 169 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 169, Instructing Enrolling Clerk to use the record vote on this resolution as vote on final passage of H. B. No. 1129.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 121

Senator Richter offered the following resolution:

S. C. R. No. 121, Suspending Joint Rules to consider S. B. No. 149 at any time.

Be It Resolved by the Senate of the State of Texas, the House concurring, That the Joint Rules of the two Houses be, and they are hereby suspended so that either House may take up and consider Senate Bill No. 149 at any time.

The resolution was read.

On motion of Senator Richter and by unanimous consent the resolution was considered immediately and was adopted.

House Joint Resolution 37 on Second Reading

Senator Bates asked unanimous

consent to suspend the regular order of business and take up H. J. R. No. 37 for consideration at this time.

There was objection.

Senator Bates then moved to suspend the regular order of business and take up H. J. R. No. 37 for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Krueger
Bates	Moore
Blanchard	Patman
Cole	Ratliff
Colson	Reagan
Crump	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Watson
Hightower	Word
Kazen	

Nays—5

Calhoun	Parkhouse
Creighton	Strong
Dies	

Absent

Kennard

The President laid before the Senate on its second reading and passage to third reading:

H. J. R. No. 37, Proposing an Amendment to Article III, Section 51 of the Constitution of the State of Texas by adding thereto a new subsection, Section 51-d, so as to provide for the payment of assistance by the State of Texas to the surviving spouse and minor children of law enforcement officers who suffer violent death in the course of the performance of their duties as a law enforcement officer; providing for the necessary election, form of ballot, proclamation and publication.

The resolution was read the second time.

Senator Colson offered the following amendment to the resolution:

Amend H. J. R. No. 37 by placing a comma after the words, "law enforcement officers" wherever they appear in the Resolution and adding the

following: "Custodial personnel of the Texas Department of Corrections."

The amendment was read.

(President Pro Tempore in Chair).

Senator Strong offered the following substitute for the amendment by Senator Colson:

Amend H. J. R. 37 by placing a comma after the words "law enforcement officers" wherever they appear in H. J. R. 37 and adding the following: "custodial personnel of the Texas Department of Corrections, custodial personnel of the Texas Youth Council, a custodial personnel at maximum security units of the Texas Hospitals and Special Schools, volunteer firemen."

**STRONG
WORD
DIES**

The substitute for the pending amendment was read.

Question—Shall the substitute by Senator Strong for the pending amendment by Senator Colson be adopted?

Executive Session

The President Pro Tempore announced the time had arrived for the Senate to go into Executive Session at 11:30 o'clock a.m. today. (The notice for Executive Session having been given on yesterday.)

Accordingly, the President Pro Tempore directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations:

To be Members of the State Finance Commission, for six-year terms to expire February 1, 1969:

Banking Section: S. R. Jones, Jr., of Pasadena, Harris County; Roman J. Bartosh of Taylor, Williamson County.

Building and Loan Section: Rex G. Baker, Jr., of Houston, Harris County.

To be Savings and Loan Commissioner of the Savings and Loan Department of Texas: James O. Gerst of Austin, Travis County.

To be Members of the Board of Directors of A. & M. University: For six-year terms to expire January 10, 1971: S. B. Whittenburg of Amarillo, Potter County; Sterling C. Evans of Houston, Harris County; R. Wofford Cain of Dallas, Dallas County.

To be a Member of the Board for Lease of State Park Land: Hill Baggett of Lubbock, Lubbock County.

In Legislative Session

The President called the Senate to order as In Legislative Session at 12:02 o'clock p.m.

Senate Resolution 798

Senator Rogers offered the following resolution:

Whereas, On May 16, 1965, Mr. Dale Parsons and his charming wife, Jean, became the proud and startled parents of twin girls; and

Whereas, The babies were named Tina Sue and Gina; and

Whereas, Master Hoyt Parsons, age two years, is doubly proud of his new role as Big Brother; and

Whereas, It is the desire of the Senate of Texas to extend its warmest congratulations to this fine couple on the birth of these twin girls; now, therefore be it

Resolved, That the congratulations of the Senate of Texas be sent to Mr. and Mrs. Dale Parsons and their son, Hoyt; and be it further

Resolved, That an official copy of this Resolution be delivered to the parents, with an additional copy delivered to Tina Sue and Gina with our best wishes for happiness, success, and good health throughout their entire lives.

The resolution was read and was adopted.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 1111 by vote of 146 ayes, 0 noes.

The House has concurred in Senate amendments to House Bill No. 569 by non record vote.

The House has concurred in Senate amendments to House Bill No. 1174 by non record vote.

The House has concurred in Senate amendments to House Bill No. 1047 by non-record vote.

The House has concurred in Senate amendments to House Bill No. 1118 by non record vote.

The House has concurred in Senate amendments to House Bill No. 907 by non record vote.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Report of Standing Committee

Senator Herring by unanimous consent submitted the following report:

Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence to which was referred H. B. No. 765, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Recess

On motion of Senator Alkin the Senate at 12:03 o'clock p.m. took recess until 2:30 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:30 o'clock p.m. today.

Senate Concurrent Resolution 122

Senator Dies offered the following resolution:

S. C. R. No. 122, Expressing appreciation to the Honorable Summers

A. Norman for years of dedicated service to State.

Whereas, The Honorable Summers A. Norman was appointed to the Texas Liquor Control Board in April, 1947; and

Whereas, On December 11, 1951, he became Chairman of the Board, and served in this capacity until March 9, 1965; and

Whereas, Summers A. Norman served longer than any other Board member; and

Whereas, His service on the Texas Liquor Control Board was marked by energetic, tireless, and unselfish devotion to duty; and

Whereas, Summers A. Norman is an outstanding business and professional man whose integrity and devotion to civic work and public welfare has been the inspiration of his actions and efforts, and

Whereas, Summers A. Norman is loved, admired and respected not only in his home County of Cherokee, but all over Texas for his ability and high character; now, therefore, be it

Resolved, That the Senate of Texas express its appreciation to Summers A. Norman for his years of dedicated and unselfish service to the State of Texas and to his fellow Texans and that when the Senate adjourn today it do so in his honor.

The resolution was read.

On motion of Senator Dies and by unanimous consent the resolution was considered immediately and was adopted.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to H. B. No. 450 and has requested the appointment of a Conference Committee to consider the differences between the two Houses, Holmes, Cowden, Woods, Shannon, and Slack.

The House refused to concur in Senate amendments to H. B. No.

97 and has requested the appointment of a Conference Committee to consider the differences between the two Houses, Moyer, Parker, Cory, Klager, and Traeger.

The House has concurred in Senate amendments to H. B. No. 820 by non record vote.

The House has concurred in Senate amendments to H. B. No. 785 by non-record vote.

The House refused to concur in Senate amendments to H. B. No. 67 and has requested the appointment of a Conference Committee to consider the differences between the two Houses, Mutscher, Parsley, Floyd, T. Shannon and Gibbens.

The House has granted the request of the Senate for the appointment of a Conference Committee on S. J. R. No. 47, Townsend, Heatly, Nugent and Kerr, Connally, and Cowden.

The House has granted the request of the Senate for the appointment of a new Conference Committee on S. B. No. 107, Mann, Nugent of Kerr, Townsend, Knapp, Armstrong (with instructions).

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 799

Senator Cole by unanimous consent offered the following resolution:

Whereas, The citizens of Fort Towson, Choctaw County, Oklahoma, will commemorate the final act of surrender of the Civil War in a ceremony and pageant on June 23, 1965, to be conducted by the Fort Towson Commemoration Committee under the sponsorship and guidance of the Oklahoma Civil War Centennial Commission; and

Whereas, The Civil War was bitter and hard-fought in the Indian Territory, and the Confederate forces under Brigadier General Stand Watie, a Cherokee and the first American Indian to attain the rank of a regularly commissioned general officer, held out to the last; and

Whereas, General Watie, although at first refusing to believe rumors that the Confederacy had surrendered, eventually signed a formal surrender

and parole at Fort Towson on June 23, 1865, with Lieutenant Colonel Asa Mathews of the federal forces, who had been dispatched to the Indian country to attempt to secure the surrender of the Confederate Indians; and

Whereas, General Watie's surrender took place more than two months after General Lee's surrender to General Grant at Appomattox on April 9, 1865; and

Whereas, The event at Fort Towson on June 23, 1865, is of national significance, since it marks the close of the Civil War Centennial and is the last of many commemorations held over the United States during the last five years under the sponsorship of the National Civil War Centennial Commission; and

Whereas, Fort Towson was first established in May, 1824, to guard the region on the Spanish border, was made a permanent fort in 1830, and was a stronghold for the Confederate forces during the Civil War; and

Whereas, Among the many persons who touched or were touched by the life of Stand Watie to be portrayed in the pageant is General Samuel Bell Maxey, a West Point graduate who was a resident of Paris, Texas, and had his headquarters at Fort Towson during 1864 and 1865, and recommended Watie's promotion to general; and

Whereas, General Maxey's home still stands in Paris, about 40 miles south of Fort Towson, and is occupied by some of his descendants; and

Whereas, It was from Fort Towson that General Sam Houston left on December 2, 1832, to look for the first time on Texas and to cross the Red River at a point about 6 miles south of the fort; and,

Whereas, The ceremonies and pageant, to be held in an area filled with historical sites and ruins has significance for Texas and the entire nation as well as for Oklahoma; now, therefore, be it

Resolved, That a copy of this resolution be sent with our congratulations and good wishes as a greeting from the State of Texas to the Fort Towson Commemoration Committee on the occasion of the observance on June 23, 1965.

The resolution was read and was adopted.

Leave of Absence

Senator Krueger was granted leave of absence for today on account of important business on motion of Senator Herring.

Conference Committee on House Bill 1042

Senator Hardeman called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 1042 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following as a Conference Committee on the part of the Senate on H. B. No. 1042: Senators Hardeman, Aikin, Bates, Ratliff and Crump.

Senate Joint Resolution 19 with House Amendment

Senator Parkhouse called S. J. R. No. 19 from the President's table for consideration of the House amendment to the resolution.

The President laid the resolution and the following House amendment before the Senate:

Committee Amendment No. 1

Amend Senate Joint Resolution No. 19, Section 1, in the paragraph headed "Sec. 49-d" by striking out all of the words following the words "or for any one or more of such purposes or methods," on line 60, page 1 of the printed bill through line 5, page 2 thereof and substituting therefor the following:

"provided, however, the Texas Water Development Fund or any other state fund provided for water development, transmission, transfer or filtration shall not be used to finance any project which contemplates or results in the removal from the basin of origin of any surface water necessary to supply the reasonably foreseeable future water requirements for the next ensuing fifty-year period within the river basin of origin, except on a temporary, interim basis."

The House amendment was read.

Senator Parkhouse moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—26

Aikin	Hightower
Blanchard	Kazen
Calhoun	Kennard
Cole	Moore
Colson	Parkhouse
Creighton	Ratliff
Crump	Richter
Dies	Rogers
Hall	Snelson
Hardeman	Spears
Harrington	Strong
Hazlewood	Watson
Herring	Word

Nays—2

Bates	Reagan
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Absent

Patman	Schwartz
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Absent—Excused

Krueger

**Conference Committee Report on
Senate Bill 145**

Senator Parkhouse submitted the following Conference Committee Report on S. B. No. 145:

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of The House of Representatives.

Sir: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. 145 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text here-to attached.

PARKHOUSE
STRONG
DIES
REAGAN
RATLIFF

On the part of the Senate

PARSLEY
WILSON
CLAYTON

MURRAY
ALLEN

On the part of the House

S. B. No. 145,

A BILL

To Be Entitled

An Act concerning water resources and water rights and water resources and water rights administration; further amending Article 7477 of the Revised Civil Statutes of Texas, 1925, as amended; changing the name of the Texas Water Commission to the Texas Water Rights Commission; defining certain terms; providing for the appointment and terms of office of the members of the Texas Water Rights Commission; providing for rules and regulations; providing for biennial reports; providing for the appointment and salary of an Executive Director; providing for the transfer of funds, records, and equipment; providing for the administration of permits to appropriate public waters; declaring legislative intent with regard to cancellation of unused permits and certified filings; providing that certain rights, powers, and duties of the Board of Water Engineers and the Texas Water Commission are transferred to the Texas Water Rights Commission; providing that the Attorney General shall be the legal advisor of the Commission and other legal counsel may be employed subject to the consent of the Attorney General; providing for cooperation with the United States and other state agencies; providing for appeals from rulings of the Commission; providing for copies of Commission records and rulings; amending Acts 1925, 39th Legislature, page 25, Section 3c, as amended, relating to the designation of underground water reservoirs and subdivisions thereof; providing a savings clause; providing for severability; repealing certain laws; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Article 7477, Revised Civil Statutes of Texas, 1925, as amended, is further amended to hereafter read as follows:

"Article 7477.

"Section 1. Short Title.

"This Act may be cited as the 'Texas Water Rights Commission Act.'

"Section 2. Definitions.

"As used in this Act:

"(a) 'Commission' means the Texas Water Rights Commission.

"(b) 'Board' means the Texas Water Development Board.

"Section 3. The Texas Water Rights Commission.

"The name of the Texas Water Commission, created and constituted by Acts 1962, 57th Legislature, 3rd Called Session, Chapter 4, is hereby changed to the Texas Water Rights Commission, and the members constituting the Texas Water Commission shall continue in office for the respective terms for which they were appointed, and until their successors are appointed and have qualified. Said Commission shall be composed of three (3) members with some knowledge of water law appointed by the Governor by and with the advice and consent of the Senate, and each shall hold office for a term of six (6) years, and until his successor is appointed and has qualified. Provided, that the person appointed for the term beginning in August, 1963, shall serve for a period ending February 1, 1969; the person appointed to the term beginning in August, 1965, shall serve for a period ending February 1, 1971, and the person appointed to the term beginning August, 1967, shall serve for a period ending February 1, 1973. Each member of the Commission is an officer of the state as defined by the Constitution and shall qualify by taking the official oath of office as prescribed by law, and by executing an official bond payable to the State of Texas in the sum of Ten Thousand Dollars (\$10,000) in accordance with the provisions of the State Employee Bonding Act. Members of the Commission shall serve on a full-time basis and each member shall be from a different section of the state.

"The Governor shall designate the Chairman of the Commission who shall serve as Chairman until a new Chairman is designated.

"The Chairman shall preside at all meetings of the Commission and shall cause to be issued notices of public hearings authorized by the Commission or held under its authority. The

Chairman may designate another member of the Commission to act temporarily for him in his absence.

"The Commission shall hold regular meetings on dates specified by order of the Commission entered upon its minutes. Special meetings after reasonable notice by the Chairman or Acting Chairman to the members of the Commission may be held at such times and places within the state as said Commission may deem necessary and proper in the performance of its duties. A majority of the Commission shall constitute a quorum.

"Section 4. Organization, Rules and Regulations.

"The Commission is authorized to organize and reorganize its administrative divisions and services for the most efficient dispatch of its powers and duties, and issue rules and regulations for the conduct of its affairs including the mode and manner of all procedures and hearings held under its authority.

"Section 5. Reports.

"The Commission shall make biennial reports in writing to the Governor in which shall be included data on the activities of the Commission and such suggestions as to the amendment of existing laws and the enactment of new laws as the information and experience of the Commission may suggest.

"Section 6. Executive Director.

"The Commission shall employ an Executive Director to serve at the pleasure of the Commission. The Executive Director shall, under the direction of the Commission, be the Chief Administrative Officer of the Commission, and shall appoint such employees and assistants and other personnel, including hydrologists and other specialists in the field of water rights administration, on a full or part-time basis, as the Commission feels necessary to assist it in carrying out the powers, duties, and functions required of it by law. The Executive Director shall receive necessary travel expenses in the same manner as a member of the Commission, and shall receive from any funds appropriated to the Texas Water Rights Commission an annual salary for the biennium beginning September 1, 1965, of \$15,000 and thereafter shall receive such annual salary as may be set by the Legislature in the General Appropriations Act.

"Section 7. Records, Equipment.

"All of the files, records, equipment and property formerly the property of the Texas Water Commission needed to perform the duties of the Texas Water Rights Commission shall be transferred to the Commission. Details of property transfer and adjustment of property records shall be agreed upon by the Commission and the Board and the Commission and the Board are directed to consult with the State Auditor and the Comptroller of Public Accounts in order that the transfers of property and records may be made in an orderly manner. Funds appropriated to either agency in the biennium beginning September 1, 1965, may be transferred to the other agency by agreement of the Board and the Commission, and upon approval by the Governor and the Legislative Budget Board.

"Section 8. Permits, Cancellation.

"(a) The Commission shall have the duty of receiving, administering, and acting upon all applications for permits, or amendments thereto made by any person, political subdivision or by the Board to appropriate public waters for beneficial use or storage or to construct works for the impoundment, storage, diversion or transportation of public waters. The Commission may issue permits for storage solely for the purpose of optimum development of projects, and such permits for storage may be converted into permits for beneficial use by further application therefor to the Commission.

"(b) The Commission shall have the duty of administering proceedings for the cancellation and forfeiture, in whole or in part, of permits and certified filings for the appropriation of public waters as provided in Articles 7474, 7519, 7544 of the Revised Civil Statutes of Texas, and Acts 1957, 55th Legislature, Chapter 49 (compiled as Articles 7519a and 7519b, Revised Civil Statutes).

"(c) It is the intent and desire of the Legislature that the Commission shall undertake an orderly, active and continuing evaluation of outstanding permits and certified filings and initiate and carry forward measures to cancel in whole or in part those certified filings and permits that are subject to cancellation in whole or in part.

"Section 9. Duties of Commission.

"All of the rights, powers, and duties delegated by law to the Board of Water Engineers and the Texas Water Commission not expressly transferred or redelegated to another agency by Act of the Legislature shall hereafter be exercised by the Texas Water Rights Commission.

"Section 10. Attorney General.

"The Attorney General shall be the legal advisor of the Commission and shall represent the Commission in litigation to which they may be a party; provided, that in addition, the Chairman of the Commission, subject to the written consent of the Attorney General of this state, may employ other legal counsel regularly, or may engage their services temporarily.

"Section 11. Agency Cooperation.

"The Commission, in performing the duties prescribed by this Chapter, may cooperate with agencies of the United States, with other agencies of this state or of any other state, with political subdivisions and municipal corporations of the state and with persons and corporations.

"Section 12. Appeals.

"(a) Any person affected by the ruling, order, decision, or other act of the Commission, may, within thirty (30) days after the date on which such act is performed, or, in case of a ruling, order, or decision, within thirty (30) days after the effective date thereof, file a petition in an action to review, set aside, modify, or suspend such ruling, order, decision, or other act. Or any party affected by the failure of the Commission to act in a reasonable time upon an application to appropriate water, or to perform with reasonable promptness any other duty imposed by this Chapter, may file a petition in an action to compel the Commission to show cause why it should not be directed by the court to take immediate action. The venue in any or all such actions is hereby fixed exclusively in the District Court of Travis County, Texas.

"(b) Any party aggrieved by any judgment or order of a district court in any suit or judicial proceeding brought under the provisions of this Chapter shall have the right to a review on appeal to the Court of Civil Appeals, and by appeal or writ of error to the Supreme Court, as in other civil cases in which the district court has original jurisdiction, and

subject to the statutes and rules of practice and procedure in civil cases.

"Section 13. Records.

"Upon the application of any person and upon payment of the fees prescribed therefor in the Rules and Regulations of the Commission, the Commission shall furnish certified copies of any proceedings or any other official act of record, or of any paper, map, or document filed in the office of the Commission, in connection with the appropriation of water, determination of water rights, or administration of water rights. Such certified copies, when signed by the Chairman, the Executive Director, or such person as the Chairman may designate, and under the seal of the Commission shall be admissible as evidence in any court or administrative proceeding."

Section 2. Underground Water Reservoirs.

Acts 1925, 39th Legislature, page 25, Section 3c, as amended, (compiled as Article 7880-3c, Revised Civil Statutes of Texas) is further amended by the addition thereto of another Section lettered Section (I) to read as follows:

"Section (I) The authority heretofore vested in the State Board of Water Engineers and its successors to designate 'underground water reservoirs' or 'subdivision of an underground reservoir' shall hereafter be exercised by the Texas Water Rights Commission acting upon evidence and testimony from the Texas Water Development Board and other evidence adduced at a hearing held for the purpose of making such designation. The said Board shall upon the request of any person interested in such application for designation or at the request of the Texas Water Rights Commission prepare evidence and testimony available to it relating to the existence, area and characteristics of any such reservoir or subdivision thereof. All other duties with regard to Underground Water Districts imposed on the State Board of Water Engineers by this Act shall be performed by the Texas Water Rights Commission."

Sec. 3. Savings Clause. The repeal of any law by this Act shall not affect or impair any act done or obligation, right, license, permit or penalty accrued or existing under the authority of the law repealed; and such law shall be treated as still remaining

in force for the purpose of sustaining any proper action concerning any such obligation, right, license, permit or penalty. No action or proceeding commenced prior to the effective date of this Act shall be affected by its enactment.

Sec. 4. Severability Clause.

If any provision of this Act or the application thereof to any person or circumstances is held to be unconstitutional, the remainder of the Act or the application of such provisions to other persons or circumstances shall not be affected thereby.

Sec. 5. Repealer Clause.

All other laws or parts of laws in conflict herewith are repealed to the extent of such conflict only.

Sec. 6. Effective Date.

This Act shall be effective September 1, 1965.

Sec. 7. Emergency Clause.

The fact that the administration of water rights and water resources is a critical task and there is a great need for laws to perform these vital public duties in the most efficient manner creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended; and this Act shall take effect and be in force from and after September 1, 1965, and it is so enacted.

The Conference Committee Report was read and was adopted.

**Conference Committee Report on
Senate Bill 146**

Senator Parkhouse submitted the following Conference Committee Report on S. B. No. 146:

Austin, Texas,
May 25, 1965.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sir: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill 146 have met and had same under consideration, and beg to report it back with the recommendation that

it do pass in the form and text hereto attached.

PARKHOUSE
STRONG
AIKIN
RATLIFF
KRUEGER

On the part of the Senate

PARSLEY
WILSON
CLAYTON
MURRAY
ALLEN

On the part of the House

S. B. No. 146,

A BILL

To Be Entitled

An Act relating to the reorganization of the state agencies that administer laws relating to water resources administration and development and to the powers and functions of those agencies; amending Sections 2, 3, 4, 7, 12, 14, 18, 21, and 21-a, of, and adding new Sections to Chapter 425, Acts of the 55th Legislature, Regular Session, 1957, as amended; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 2, Chapter 425, Acts of the 55th Legislature, Regular Session, 1957 (Section 2, Article 8280-9, Vernon's Texas Civil Statutes), is amended by revising Subsection (c) of the Section and by adding a new subsection to it, both to read as follows:

"(c) 'Development Fund Manager' means the fiscal administrator of the Texas Water Development Fund.

"(i) 'Executive Director' means the Executive Director of the Texas Water Development Board."

Sec. 2. Section 3, Chapter 425, Acts of the 55th Legislature, Regular Session, 1957 (Section 3, Article 8280-9, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 3. (a) The Texas Water Development Board is hereby created and declared to be a State Agency for performing the governmental functions authorized by this Act and the Constitution of this state and such other duties as the Legislature may prescribe. The Texas Water Develop-

ment Board shall consist of six (6) members appointed by the Governor, with the advice and consent of the Senate. Each of the members of the Board shall have at least ten (10) years of successful business or professional experience and shall be selected from the following groups: one (1) each from the fields of engineering, law, public or private finance, and a farmer or rancher, and two (2) members from the public at large, and each member shall be from a different section of the state. Of the members first appointed under this Act as it was originally enacted in 1957, two (2) shall serve for a term of two (2) years, two (2) for terms of four (4) years, and two (2) for terms of six (6) years. Thereafter, each member shall serve for a term of six (6) years and until his successor is appointed and has qualified. In case of the death or resignation of any member, his unexpired term shall be filled by appointment in the same manner. Each of the six (6) members of the Board is hereby declared to be an officer of the state as defined by the Texas Constitution and each shall qualify by taking the official oath of office prescribed by law.

"The members of the Texas Water Development Board shall receive a per diem of not more than Twenty-five Dollars (\$25.00) for each day served in the performance of their duties, together with traveling and other necessary expenses.

"The Governor shall designate the Chairman of the Board who shall serve as Chairman at the will of the Governor. A Vice-Chairman shall be elected who shall serve for a term of two (2) years from the effective date of this Act, thereafter, a Vice-Chairman shall be elected every two (2) years by the members of the Board. Vacancies in the office of Vice-Chairman shall be filled by the Board for the remainder of the unexpired term. The Chairman, or in his absence, the Vice-Chairman, shall preside at all meetings of the Board and perform the other duties required by this Act. A majority of the members of the Board shall constitute a quorum to transact business.

"(b) The Board is specifically charged with the following duty: the preparation, development, and formulation of a comprehensive State Water Plan for this state, including a defini-

tion and designation of river basins and watersheds as separate units for purposes of water development and inter-watershed transfers. However, the Board shall not prepare or formulate any plan which contemplates or results in the removal from the basin of origin of any surface water to some other river basin or area outside of such basin of origin if the water supply involved in such plan or project will be required to supply the reasonably foreseeable future water supply requirements for the next ensuing fifty-year period within the river basin of origin, except on a temporary, interim basis. The Board shall be governed in its preparation of said plan by a regard for the public interest of the entire state, and shall direct its efforts to plan for the orderly development and management of water resources in order that sufficient water will be available at reasonable cost to further the economic development of the entire state. After the Board has completed its preliminary planning of the water resources development within a river basin, the Board or at the direction of the Board, the Executive Director, after notice, shall hold a public hearing at some central location within such river basin, at which hearing the proposed plan of development shall be presented and evidence for or against the plan shall be heard; and thereafter in preparing its plan the Board shall give consideration to the effect such plan will have on the present and future development, economy, general welfare, and water requirements of the areas of such river basin. Consideration shall also be given in the plan to the effect of upstream development upon the bays, estuaries, and arms of the Gulf of Mexico and to the effect upon navigation. If the proposed plan shall entail the diversion or transportation of water from the watershed of any stream, river, or watercourse for use in some other area of Texas outside of such watershed, the Board or at the direction of the Board the Executive Director, after notice, shall hold a public hearing at some location convenient to the areas affected, at which hearing the proposed plan of development shall be presented and evidence for or against the plan shall be heard; and thereafter in preparing its plan the Board shall give consideration to the effect such plan will have on the present

and future development, economy, general welfare, and water requirements of the areas affected. When the Board has prepared and examined the completed Plan, the Texas Water Commission or its successors shall, upon request of the Board, hold a public hearing on said Plan to determine whether or not said Plan gives adequate consideration to the protection of existing water rights in this state and to determine whether or not said Plan takes into account modes and procedures for the equitable adjustment of water rights affected by said Plan. After such public hearing and upon notification by the Texas Water Commission or its successors that the Plan appears to give adequate consideration to the protection of existing water rights and does take into account the equitable adjustment of water rights affected by said Plan, the Board shall formally adopt the State Water Plan. A majority vote shall be necessary for adoption.

"When formally adopted by the Board, the State Water Plan shall be a flexible guide to state policy for the development of water resources in this state. The Texas Water Commission or its successors shall take the Texas Water Plan into consideration in matters coming before the Commission but need not be bound thereby. Nothing in the State Water Plan or any modifications and amendments thereto shall be construed so as to increase or diminish any water right existing at the effective date of this Act.

"The Board shall also make such modifications and amendments to said State Water Plan as experience and changed conditions make advisable and the Texas Water Commission or its successors shall, when requested by the Board, hold a public hearing in the same manner and for the same purposes as specified herein on the original State Water Plan. Any modifications and amendments so adopted by the Board shall become a part of the said Plan.

"The Board may take all necessary action to qualify for federal assistance in financing the development and improvement of the Plan.

"(c) The Board is authorized to exercise all of the powers and duties heretofore exercised by the Board of Water Engineers and its successor,

the Texas Water Commission, under Acts 1957, 55th Legislature, 1st Called Session, Chapter 11 (compiled as Article 7472d-1, Revised Civil Statutes, cited as 'The Texas Water Planning Act of 1957') and any powers and duties contained in said Act shall be held and possessed by the Board in addition to the other powers and duties imposed on said Board. In the exercise of its powers and duties under the Texas Water Planning Act of 1957, as well as all other duties imposed on it by this Act and any other law, the Board may organize and reorganize its administrative sections and divisions in the manner most efficient for the orderly dispatch of its duties under this Act or any other law.

"(d) All powers and duties formally vested by law in the State Board of Water Engineers and its successor, the Texas Water Commission under the provisions of Chapters 5 and 6, Title 128, Revised Civil Statutes of Texas, 1925, as amended, are transferred and vested in the Texas Water Development Board. And all such powers and duties shall hereafter be executed and performed by the Texas Water Development Board or its authorized agents and employees. All of the books, papers, records, and property used or acquired by the Texas Water Commission in the exercise of the authority of the former State Reclamation Engineer shall be transferred to and become the responsibility of the Texas Water Development Board."

Sec. 3. Section 4, Chapter 425, Acts of the 55th Legislature, Regular Session, 1957, as amended by Section 1, Chapter 164, Acts of the 56th Legislature, Regular Session, 1959 (Section 4, Article 8280-9, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 4. The Board by appropriate action is hereby authorized from time to time to provide by resolution for the issuance of negotiable bonds in a total aggregate amount not exceeding One Hundred Million Dollars (\$100,000,000.00) and the Board may, upon two-thirds (2/3) vote of the elected members of each House at a subsequent Legislature, be given the power to issue additional negotiable bonds in an amount not to exceed One Hundred Million Dollars (\$100,000,000.00). All such bonds

shall be on a parity and shall be called the 'Texas Water Development Bonds.' The proceeds from the sale of any bond, or bonds shall be used for the purpose of creating the Texas Water Development Fund provided for by the Constitution. To assure the orderly and economical marketing of bonds and reasonable availability of money in the Texas Water Development Fund, The Board may sell bonds from time to time; provided that bonds may not be sold in excess of Twenty-five Million Dollars (\$25,000,000.00) during any six (6) month period. At the option of the Board, said bonds may be issued in one (1) or several installments. The bonds of each issue shall be dated, and shall bear interest at a rate not exceeding four per cent (4%) per annum, which interest may, at the option of the Board, be payable annually or semi-annually; shall mature serially or otherwise, not later than forty (40) years from their date; and may be redeemable before maturity, at the option of the Board, at such price or prices, and under such terms and conditions as may be fixed by the Board in the resolution providing for the issuance of the bonds. The Board shall determine the form of the bonds, including the form of any interest coupon to be attached thereto, and shall fix the denomination or denominations of said bonds and the place or places of the payment of the principal and interest thereon. Said bonds shall be executed on behalf of the Texas Water Development Board as general obligations of the State of Texas in the following manner: they shall be signed by the Chairman and the Development Fund Manager respectively of the Board, and the seal of the Board shall be impressed thereon, and they shall be signed by the Governor and attested by the Secretary of State of the State of Texas with the Seal of the State of Texas impressed thereon. The resolution authorizing the issuance of any installment or series of bonds may prescribe the extent to which facsimile signatures and facsimile seals in lieu of manual signatures and manually impressed seals may be used in executing such bonds and appurtenant coupons. Interest coupons may be signed by the facsimile signatures of the Chairman of the Board and the Development Fund Manager. In the event any officer whose manual or

facsimile signature appears on any bonds, or whose facsimile signature shall appear on any coupon, shall cease to be such officer before the delivery of the bonds, the signatures shall, nevertheless, be valid and sufficient for all purposes the same as if he had remained in office until such delivery had been made. The resolution may provide for registration of the bonds as to ownership and for successive conversion and reconversion from registered to bearer bonds and vice versa. Before any such bonds so issued are delivered to the purchasers, the record pertaining thereto shall have been examined by the Attorney General of Texas and said records and bonds shall be approved by him. After such approval, the bonds shall be registered in the office of the Comptroller of Public Accounts of Texas. All bonds issued hereunder shall, after approval by the Attorney General, registration by the Comptroller of Public Accounts of the State of Texas, and delivery to the purchasers, be incontestable and shall constitute general obligations of the State of Texas. The performance of official duties prescribed by Article III, Section 49-c of the Constitution and by the original Act as amended in reference to the provisions for the payment and the payment of such bonds may be enforced in any court of competent jurisdiction through mandamus or other appropriate proceedings. All bonds issued in accordance with and under the provisions of this Act shall be, and are hereby declared to be negotiable instruments under the laws of this state. The Board is fully authorized to provide for the replacement of any bond which might have become mutilated, lost or destroyed."

Sec. 4. Section 7, Chapter 425, Acts of the 55th Legislature, Regular Session, 1957 (Section 7, Article 8280-9, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 7. When the Board shall have authorized the issuance of a series of said bonds and shall have determined to call for bids therefor, it shall be the duty of the Board to publish at least one (1) time not less than ten (10) days before the date of said sale an appropriate notice thereof. Such publication shall be made in a daily newspaper of general state-wide circulation which is pub-

lished not less than seven (7) times weekly. Said notice shall also be published for such number of times as the Board may determine in one or more recognized financial publications of general circulation published within the state and one or more such publications published outside the state. The Board shall demand of bidders, other than the administrators of the state funds, that their bids be accompanied by exchange or bank cashier's check for such sum as it may consider adequate to be a forfeit guaranteeing the acceptance and payment for all bonds covered by such bids, and accepted by the Board.

Sec. 5. Section 12, Chapter 425, Acts of the 55th Legislature, Regular Session, 1957 (Section 12, Article 8280-9, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 12. In the event that Article III, Section 49-d of the Constitution of the State of Texas is amended to permit use of the Texas Water Development Fund for any of the purposes set forth under the definition of 'project' contained in that portion of Acts 1957, 55th Legislature, Chapter 425, compiled as Subsection (f) of Section 2 of Article 8280-9, Revised Civil Statutes, the Board is hereby authorized to use funds of the Texas Water Development Fund for such purposes under Article III, Section 49-d, but may not use funds under said Section 49-d or this Act for retail distribution or for transportation of water solely to retail purchasers. The Board shall obtain permits for storage of water and/or permits for transportation of water and/or permits to apply water to beneficial use with regard to water in reservoirs and associated works constructed by the Board under this Act.

"The Texas Water Development Board, after having used funds from the Texas Water Development Fund for the construction, reconstruction or enlargement of reservoirs and associated systems or works and facilities under Article III, Section 49-d of the Constitution of the State of Texas, is authorized to sell, transfer or lease, in whole or in part, any reservoir and associated systems or works provided that the applicant to buy or lease such facilities shall have first secured a valid permit for

water use from the Texas Water Commission or its successor, which permit may be for a term of years if the facilities are leased.

"If the application for a permit to use water involves a proposed use of water either within or outside of the watershed of the impoundment, The Texas Water Commission or its successor shall give paramount consideration to recouping the state's investment in granting any permit in order to protect the public interest and promote the general welfare. Before the permit for water use shall be issued by the Texas Water Commission or its successor, the applicant shall have completed contractual negotiations with the Water Development Board for the acquisition of such facilities and all terms, conditions and provisions of such contract shall have been agreed upon by the parties thereto. Reservoir lands which may have been acquired may be leased by the Board prior to completion of construction of any dam without the necessity of a permit being issued by the Texas Water Commission or its successor. It is further provided that such sale, transfer or lease shall be at a cost not less than the direct cost of the Board in acquiring same. 'Direct cost' of such facilities shall mean the principal amount the Board pays or agrees to pay for such facilities. 'Direct cost of the Board in acquiring same' shall mean the amount therefore paid by the Board on the 'direct cost' of such facilities.

"In selling or transferring the state's interest in such facilities acquired from the proceeds of Texas Water Development Board Bonds, the price shall be the sum of the 'direct cost of the Board in acquiring same,' as such term is defined above, plus an interest charge computed at a rate of one-half of one per cent ($1/2$ of 1%) per annum from the date of acquisition by the Board, plus interest annually at the cumulative average effective rate on all Texas Water Development Board Bonds sold up to the date of the sale of the facilities, plus the Board's cost of operating and maintaining the facilities being sold or transferred from the date of acquisition to the date of transfer, less any payments received by the Board from the lease of such facilities or the sale of water therefrom.

"In selling or transferring the

state's interest in such facilities acquired under long-term contracts with the Federal Government, the price shall be the sum of the 'direct cost of the Board in acquiring same,' as the term is defined above, plus an interest charge thereon of one-half of one per cent ($1/2$ of 1%) per annum from the date of acquisition of such facilities by the Board, plus interest at the cumulative average effective rate on all Texas Water Development Board Bonds sold up to the date of the sale of such facilities for each of those years or portions of years in which the Board paid interest to the Federal Government, plus the Board's cost of operating and maintaining the facilities being sold or transferred from the date of acquisition to the date of transfer, less any payments received by the Board from the lease of such facilities or the sale of water therefrom. If the Board in transferring any contract between it and the Federal Government, remains in any way directly, conditionally or contingently liable or responsible for the performance of any part of the contract assigned or transferred, then the assignee or purchaser shall, in addition to the payments above set forth, pay to the Board annually one-half of one per cent ($1/2$ of 1%) of the remaining amount owing to the Federal Government and such payment shall continue until the Board is fully and completely released from such contract.

"In leasing such facilities for a term of years, each annual payment which shall be made by the lessee shall be not less than the annual principal and interest requirements applicable to the indebtedness incurred by the state allocated to acquisition of the facilities being leased, plus the state's annual cost for the project's operation, maintenance and rehabilitation, if the project has been rehabilitated.

"As a condition precedent to selling, transferring or leasing, in whole or in part, any such facilities or the right to use such facilities, the Texas Water Development Board shall affirmatively find:

"(a) That the applicant therefor has a valid permit for water use from the Texas Water Commission or its successor;

"(b) That such sale, transfer or lease will contribute to the conservation and development of the water

resources of Texas; and

"(c) That the consideration for same is fair, just and reasonable and in full compliance with all requirements of law.

"The money received from any sale, transfer or lease of any such facilities shall be used to pay principal and interest on state bonds issued or to meet contractual obligations incurred by the Texas Water Development Board. Such moneys shall be collected, deposited in, and transferred to the appropriate statutory fund of the Board in the same manner as other moneys received in payment of principal and interest on loans to political subdivisions made by the Board for water supply projects, taking into consideration the manner in which such facilities involved were acquired; that is, either by use of bonds proceeds or by contract, as the case may be. When the moneys are sufficient to pay the full amount of indebtedness then outstanding (which shall include state bonds issued and the principal on contractual obligations incurred) and the full amount of interest to accrue thereon, any further sums received from the water when such competition will jeopardize the ability of a political subdivision or municipality to meet obligations incurred to finance its own water supply projects. The Board will make the same determinations with respect to the sale of water as are required to be made in paragraph (6) Section 21-a relating to selling, transferring or leasing storage facilities. Money received from the sale of water and standby service needed for operation and maintenance of such facilities shall be deposited in the Combined Facilities Operation and Maintenance Fund, which Fund is hereby created as a special fund in the State Treasury, and such Fund may be used by the Board for the operation and maintenance of such facilities, and the Legislature may also appropriate available state funds for such purpose. Money received from the sale of water not needed for operation and maintenance of such facilities may be used for the payment of principal and interest on state bonds issued or contractual obligations incurred by the Board in acquiring such facilities. Unappropriated public waters stored in any such facilities acquired by the Board and under the Board's control

may be released without charge to relieve any emergency condition that may arise due to drought, severe water shortage or public calamity, provided, that the Texas Water Commission or its successor shall have first determined the existence of such emergency and requested the Board to make releases of water.

"Political subdivisions as that term is defined in Section 2(e) of this Act, (Article 8280-9, Revised Civil Statutes) as amended, shall have the same preferential, but not exclusive, right to buy, lease or obtain transfer of such facilities as such political subdivisions have to purchase, lease or acquire storage facilities or to purchase water in storage from the Board as according to the said political subdivision in Subsection (9) of Section 21-a of this Act.

"The provisions of this Section 12 as set forth in the foregoing provisions of this Act shall be operative and effective only upon condition that the resolution proposing Amendment of Article III, Section 49-d of the Constitution of the State of Texas is adopted at the General Election to be held the first Tuesday after the first Monday in November, 1966; provided, that whether said resolution is adopted or not, no application for financial assistance shall be granted until the political subdivision making application therefor shall have furnished to the Board a resolution adopted by the Texas Water Commission or its successor certifying that the applicant is possessed of the necessary permit or certified filing, authorizing it to impound, or otherwise appropriate and use the waters to be made available by the project."

Sec. 6. Section 14, Chapter 425, Acts of the 55th Legislature, Regular Session, 1957, as amended by Section 1, Chapter 8, Acts of the 57th Legislature, Regular Session, 1961 (Section 14, Article 8280-9, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 14. In passing upon such applications, the Board shall consider the needs and benefits to the area to be served by the project in relation to the needs and benefits appertaining to other projects requiring state assistance in any manner as well as the availability of revenues from all sources of the political subdivision for the ultimate repayment of the costs of such project, including inter-

est, and whether the project can be reasonably financed without assistance of the state. The Board shall specifically consider the relationship of the project contained in such application with the overall, state-wide water needs of Texas and the relationship of the project contained in such application with the State Water Plan for water resource development. If after consideration of the foregoing, and the consideration of any other relevant factors, the Board finds that the public interest requires state participation in the project; that the project cannot be reasonably financed without state assistance in the amount finally approved by the Board; and if the Board makes the further finding that in its opinion the revenues or taxes or both pledged by the political subdivision will be sufficient to meet all of the obligations assumed by the political subdivision within not more than forty (40) years, the Board may approve the application within the limits of this Act.

"Application for financial assistance shall be in such form as prescribed herein and by regulations of the Board and shall not be accepted by the Board unless submitted in affidavit form by the officials of the political subdivisions as prescribed by the regulations of the Board. Nothing in such regulations shall restrict or prohibit the Board from requiring additional factual material of any applicant."

Sec. 7. Section 18, Chapter 425, Acts of the 55th Legislature, Regular Session, 1957 (Section 18, Article 8280-9, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 18. The governing body of every political subdivision receiving state financial assistance from the Texas Water Development Fund shall, in all contracts for the construction of a project, require that the contract shall be paid for in partial payments as the work progresses and such payments shall not exceed ninety per cent (90%) of the amount due at the time of such payment as shown by the engineer of the project. Such contract shall also require that upon completion of said contract, the remaining ten per cent (10%) due thereunder may be paid only after approval by the engineer for the political subdivision as may be required under the bond proceedings and in addition upon obtaining from the Texas Water Development Board a certificate that the

work to be done under the contract has been completed and performed in a satisfactory manner and in accordance with sound engineering principles and practices. The Texas Water Development Board shall have the privilege of inspecting the construction of any project at any time to assure itself that the engineering plans of a project, as submitted when approval of the feasibility of the project was sought, are being substantially complied with and that the works are being constructed in accordance with sound engineering principles, but such inspection shall never subject the State of Texas to any action for damages. No substantial or material alteration in the engineering plans of a project shall be made after approval of eligibility unless and until authorization to make such alteration has been given by the Texas Water Development Board. Failure to construct the project according to the plans as approved by or altered with approval of the Board, failure to construct the works in accordance with sound engineering principles, or failure to comply with any term or terms of a construction contract, may be considered by the Board as grounds for refusal to give a certificate of approval for any construction contract. A certified copy of every construction contract entered into and executed by the political subdivision for the construction of the project in whole or in part shall be filed in the office of the Board. All such contracts shall contain or have attached thereto the specifications for all work included in the contract and the plans and details thereof and all such work shall be done in accordance with plans and specifications."

Sec. 8. Section 21, Chapter 425, Acts of the 55th Legislature, Regular Session, 1957 (Section 21, Article 8280-9, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 21. The Board shall meet once each month on a day and at a place selected by it, subject to recesses at the discretion of the Board. The Chairman of the Board may call a special meeting of same at any time he thinks necessary, by giving the other members notice thereof."

"The Board shall procure and adopt a seal bearing the words 'Texas Water Development Board' encircling the oak and olive branches common to other official seals."

"The Board shall employ an Executive Director to serve at the pleasure of the Board. The Executive Director shall, under the policies of the Board, manage the administrative affairs of the Board, serve as the chief administrative officer for the Board, and appoint such employees and assistants and other personnel as are necessary. The Executive Director shall select a Development Fund Manager with the approval of the Board who shall perform all duties required by this Act and said Board. The Executive Director, Chief Engineer and the Development Fund Manager shall receive necessary travel expenses in the same manner as a member of the Board. From any funds appropriated to the Texas Water Development Board for the biennium beginning September 1, 1965, the Executive Director shall receive an annual salary of \$17,500, the Chief Engineer \$16,000, the Assistant Chief Engineer \$12,500, and the Development Fund Manager \$12,500; thereafter each shall receive such annual salary as may be set by the Legislature in the General Appropriations Act.

"The Executive Director shall be responsible to the Board for the performance by the staff of the following in addition to any other duties or assignments made under the policies of the Board:

"(a) Making investigations and studies and collecting data and information on the occurrence, quantity, quality and availability of the surface waters and ground waters within the state, including particularly the technical duties and functions set forth in Articles 7472(d), 7524, 7527, 7528, 7537(a), 7537(b), 7621(b), 7621(c), and 7621(d), Vernon's Annotated Texas Civil Statutes;

"(b) After consultation with and approval by the Board, negotiating and executing agreements with other state agencies, political subdivisions and municipal corporations of the state, federal agencies, and private persons and corporations for cooperative or joint studies and investigations of the occurrence, quantity and quality of the surface and ground waters of the state, the topographical mapping of the state, and the collection, processing and analysis of other basic data relating to the development of the water resources of the state, and the administration and performance of such agreements;

"(c) Collecting, receiving, analyzing

and processing basic data concerning the water resources of the state; provided all data collected by the Board shall be the property of the State of Texas;

"(d) Carrying on the program for topographic and geologic mapping of the state;

"(e) Reviewing, analyzing and making recommendations to the Board in regard to the approval of master plans and other reports of conservation districts, river authorities and other state agencies in all cases where approval of the Board is required by law or requested by said districts, authorities or agencies;

"(f) Evaluating, preparing for publication, publishing and reproducing engineering, hydrologic and geologic data, information and reports relating to the water resources of the state;

"(g) Determining the silt load of streams and making investigations and studies of the duty of water and surveys to determine the water needs of the distinct regional divisions of the watershed areas of the state;

"(h) Aiding, advising and assisting the Board in regard to other engineering, hydrologic and geologic matters. It is specifically provided that the designated employees of the Board shall appear and present evidence at public hearings held by the Texas Water Commission or its successors or any other agency, state, local or federal, for any purpose involving matters affecting the public interest. The Board shall receive and examine all engineering plans and proposals involved in matters coming before the Texas Water Commission or its successors and may appear before the Commission in any hearing concerning such plans or proposals; and

"(i) Performing other technical engineering, hydrologic and geologic functions in the administration of the water resources of the state."

Sec. 9. Sec. 21-a, Chapter 425, Acts of the 55th Legislature, 1957, as added by Section 2, Chapter 425, Acts of the 58th Legislature, 1963, (Section 21-a, Article 8280-9, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 21-a. (1) The proceeds from the sale of state bonds deposited in the Texas Water Development Fund as provided in Article III, Section 49-c of the Constitution of Texas may be used by the Texas Water De-

velopment Board for the additional purposes of acquiring and developing storage facilities, for the conservation and development of water for useful purposes in and from reservoirs constructed or to be constructed or enlarged within the State of Texas or on any stream constituting a boundary of the State of Texas, by any one or more of the following governments or governmental agencies; by the United States of America or any agency, department or instrumentality thereof; by political subdivisions or bodies politic and corporate of the state; by interstate compact commissions to which the State of Texas is a party; and by municipal corporations. As used herein the term 'storage facilities' shall include any one or more of the following: (a) the whole or any definable part or portion of a dam and reservoir, whether existing or planned, in which water may be stored for conservation and development for useful purposes; or (b) the right to use any such dam and reservoir, whether existing or planned, or a definable part or portion thereof for storage of water and development thereof for useful purposes, provided a valid permit for either the use or storage of water had been granted by the Texas Water Commission or its successor.

"(2) The Texas Water Development Board may also execute long-term contracts with the United States or any of its agencies for the acquisition and development of storage facilities in reservoirs constructed or to be constructed by the Federal Government. Such contracts when executed shall constitute general obligations of the State of Texas in the same manner and with the same effect as state bonds issued under the authority of Article III, Section 49-c, of the Constitution of Texas, and the provisions in said Section 49-c with respect to payment of principal and interest on state bonds issued shall likewise apply with respect to payment of principal and interest required to be paid by such contracts. The Texas Water Development Board shall determine the terms, provisions and conditions of such contracts; subject, however, to the limitations and directions contained in this Act and in Article III, Section 49-d of the Texas Constitution. It is expressly provided that no contract shall be executed by the Board with the United States or

any of its agencies wherein storage facilities or their use are acquired for a term of years only, and each of such contracts shall contain provisions and conditions to the effect that when the state has fulfilled its obligations under such contract, the state shall have a permanent right in such storage facilities or in their use, so long as such storage facilities may be physically available, subject only, if the project of which such storage facilities are a part is then operated by the United States, to payment by the state of reasonable operation, maintenance and administrative charges allocable to such acquired storage facilities; and, in addition, such contract may provide for the state to bear its share of the cost of any necessary reconstruction, rehabilitation or replacement of project features which may be required to continue satisfactory operation of the project. It is further provided that no contract between the Board and the United States or any of its agencies for the acquisition and development of storage facilities in reservoirs constructed or to be constructed by the Federal Government shall be executed unless such contract shall reserve unto the State of Texas the right of development and control of recreational facilities by the State of Texas or its political subdivisions, except for reservoir recreation areas of national significance which the United States proposes to develop and administer for the public use and benefit.

"(3) The authority of the Texas Water Development Board to acquire storage facilities shall be limited to a maximum total amount as to principal obligations which may be incurred of One Hundred Million Dollars (\$100,000,000.00) and not to exceed Twenty-five Million Dollars (\$25,000,000.00) for storage facilities in any single project. State funds shall not be expended for the purposes herein authorized when, and to the extent that, any political subdivision of the state is willing and able reasonably to finance, or assume the obligation of repaying, the costs of providing or acquiring such storage facilities, provided such political subdivision has qualified by obtaining any permit required under the laws of Texas to provide or acquire such storage facilities, and provided the proposals of the political subdivision

are consistent with the objectives of the State Water Plan.

"(4) The Texas Water Development Board, before acquiring storage facilities in any reservoir in any manner shall affirmatively find:

"(a) That it is reasonable to expect the state to recover its investment in such facilities;

"(b) That the cost of such storage facilities to be acquired exceeds current financing capabilities of the area involved and that such facilities cannot be reasonably financed otherwise by local interests without state participation; and

"(c) That the public interest will be served thereby.

"The Texas Water Development Board shall obtain permits for storage of water with regard to storage facilities acquired in any reservoir, and the issuance of such permit or permits by the Texas Water Commission or its successor shall be the approval required by Article III, Section 49-d of the Constitution of Texas.

"(5) The Texas Water Development Board, after having acquired storage facilities in any reservoir, is hereby authorized and empowered to sell, transfer or lease, in whole or in part, any acquired storage facilities or the right to use such storage facilities, provided that the applicant therefor shall have first secured a valid permit from the Texas Water Commission or its successor authorizing the acquisition or right of use of such storage facilities, which permit may be for a term of years if the facilities are leased. If the application for a permit involves a proposed use of water either within or outside of the watershed of the impoundment, the Texas Water Commission or its successor shall give paramount consideration to recouping the state's investment in granting any permit in order to protect the public interest and promote the general welfare. Before the permit shall be issued by the Texas Water Commission or its successor, the applicant shall have completed contractual negotiations with the Texas Water Development Board for the acquisition of such facilities and all terms, conditions and provisions of such contract shall have been agreed upon by the parties thereto. Reservoir lands which may have been acquired may be leased by the Board prior to completion of construction of any dam without the necessity of

a permit being issued by the Texas Water Commission or its successor. It is further provided that such sale, transfer or lease shall be at a price not less than the direct cost of the Board in acquiring same. 'Direct cost' of such storage facilities shall mean the principal amount the Board pays or agrees to pay for such storage facilities. 'Direct cost of the Board in acquiring same' shall mean the amount theretofore paid by the Board on the 'direct cost' of such storage facilities.

"In selling or transferring the state's interest in storage facilities in reservoirs acquired from the proceeds of Texas Water Development Board Bonds, the price shall be the sum of the 'direct cost of the Board in acquiring same,' as such term is defined above, plus an interest charge computed at a rate of one-half of one per cent ($1/2$ of 1%) per annum from the date of purchase of the storage space by the Board, plus interest annually at the cumulative average effective rate on all Texas Water Development Board Bonds sold up to the date of the sale of the storage space, plus the Board's cost of operating and maintaining the facilities being sold or transferred from the date of acquisition to the date of transfer, less any payments received by the Board from the lease of such storage facilities or the sale of water therefrom.

"In selling or transferring the state's interest in storage facilities acquired under long term contracts with the Federal Government, the price shall be the sum of the 'direct cost of the Board in acquiring same,' as such term is defined above, plus an interest charge thereon of one-half of one per cent ($1/2$ of 1%) per annum from the date of purchase of the storage space by the Board, plus interest at the cumulative average effective rate on all Texas Water Development Board Bonds sold up to the date of the sale of the storage space for each of those years or portions of years in which the Board paid interest to the Federal Government, plus the Board's cost of operating and maintaining the facilities being sold or transferred from the date of acquisition to the date of transfer, less any payments received by the Board from the lease of such storage facilities or the sale of water therefrom. If the Board in transferring any contract

between it and the Federal Government, remains in any way directly, conditionally or contingently liable or responsible for the performance of any part of the contract assigned or transferred, then the assignee or purchaser shall in addition to the payments above set forth pay to the Board annually one-half of one per cent ($1/2$ of 1%) of the remaining amount owing to the Federal Government and such payment shall continue until the Board is fully and completely released from such contract.

"In leasing such storage facilities for a term of years, each annual payment which shall be made by the lessee shall be not less than the annual principal and interest requirements applicable to the indebtedness incurred by the state allocated to acquisition of the facilities being leased, plus the state's annual cost for the project's operation, maintenance and rehabilitation, if the project has been rehabilitated.

"(6) As a condition precedent to selling, transferring or leasing, in whole or in part, any acquired storage facilities or the right to use such storage facilities, the Texas Water Development Board shall affirmatively find:

"(a) That the applicant therefor has a valid permit from the Texas Water Commission or its successor;

"(b) That such sale, transfer or lease will contribute to the conservation and development of the water resources of Texas; and

"(c) That the consideration for same is fair, just and reasonable and in full compliance with all requirements of law.

"(7) The money received from any sale, transfer or lease of any acquired storage facilities shall be used to pay principal and interest on state bonds issued or to meet contractual obligations incurred by the Texas Water Development Board. Such money shall be collected, deposited in, and transferred to the appropriate statutory fund of the Board in the same manner as other moneys received in payment of principal and interest on loans to political subdivisions made by the Board for water supply projects, taking into consideration the manner in which the storage facilities involved were acquired; that is, either by use of bonds proceeds or by contract, as the case may be. When the moneys are sufficient

to pay the full amount of indebtedness then outstanding (which shall include state bonds issued and the principal on contractual obligations incurred) and the full amount of interest to accrue thereon, any further sums received from the sale, transfer or lease of acquired storage facilities may be used by the Board for the acquisition of additional storage facilities or for providing financial assistance to political subdivisions for water supply projects.

"(8) The Texas Water Development Board is hereby authorized and empowered to store unappropriated public waters of the state in the storage facilities that have been acquired and shall obtain a permit to store such waters from the Texas Water Commission or its successor. The Board is further authorized and empowered to sell any unappropriated public waters of the state that might be stored in any storage facilities acquired by the Board and under the Board's control. The price for water sold shall be fixed and determined at an amount not less than a sum determined by taking into account the same costs prescribed in Subsection (5) hereof for selling the state's interest in storage facilities acquired hereunder. As a prerequisite to the purchase of such water, the applicant therefor shall have secured a valid permit from the Texas Water Commission or its successor authorizing the appropriation and use of the water impounded in such storage facilities, and the rights of the applicant in such water and its use shall be governed by the terms and conditions of such permit. The permit may be for a term of years. If the application for a permit involves a proposed use of water either within or outside of the watershed of the impoundment, the Texas Water Commission or its successor shall give paramount consideration to recouping the state's investment in granting any permit in order to protect the public interest and promote the general welfare. Before the permit shall be issued by the Texas Water Commission or its successor, the applicant shall have completed contractual negotiations with the Texas Water Development Board for the sale of water and all terms, conditions and provisions of such contract shall have been agreed upon by the parties thereto. The permit shall be conditioned upon con-

tinued payment of the obligations assumed under the contract with the Board and may provide for cancellation at any time upon contract default. The Texas Water Development Board is authorized to determine the consideration, terms, provisions and conditions to be included in contracts for sale of water or its use, but such consideration, terms, provisions and conditions shall be fair, reasonable and without discrimination. Included in the services for which the Board may make charges is that of standby service, which is hereby defined to mean holding water and conservation storage space available for use, as well as for the actual delivery of water. The Board shall not compete with political subdivisions of the state or municipalities in the sale of water when such competition will jeopardize the ability of a political subdivision or municipality to meet obligations incurred to finance its own water supply projects. The Board will make the same determinations with respect to the sale of water as are required to be made in paragraph (6) hereof relating to selling, transferring or leasing storage facilities. Money received from the sale of water and standby service needed for operation and maintenance of acquired facilities shall be deposited in the Storage Facilities Operation and Maintenance Fund, which Fund is hereby created as a special fund in the State Treasury, and such Fund may be used by the Board for the operation and maintenance of acquired facilities, and the Legislature may also appropriate available state funds for such purpose. Money received from the sale of water not needed for operation and maintenance of storage facilities may be used for the payment of principal and interest on state bonds issued or contractual obligations incurred by the Board in acquiring storage facilities. Unappropriated public water stored in any storage facilities acquired by the Board and under the Board's control may be released without charge to relieve any emergency condition that may arise due to drought, severe water shortage or public calamity provided, that the Texas Water Commission or its successor shall have first determined the existence of such emergency and requested the Board to make such releases of water.

"(9) Political subdivisions (as that

term is defined in Section 2 of Chapter 425, Acts of the 55th Legislature, Regular Session, 1957) shall be accorded a preferential right, but not an exclusive right, to purchase, acquire or lease storage facilities, or to purchase water in storage, from the Board. Priority in the sale, transfer or lease of storage facilities, or in the sale of water, shall also be accorded in the manner established by Article 7471 and Article 7472(c), Revised Civil Statutes of Texas, 1925, as amended, or as may be hereafter amended, relating to priorities and preferences in the appropriation and use of public waters. The Texas Water Development Board and the Texas Water Commission or its successor shall coordinate their efforts to meet these objectives and to assure that the public waters of the state, which waters are held in trust for the use and benefit of the public, will be conserved, developed and utilized in the greatest practicable measure for the public welfare.

"(10) The Texas Water Development Board is authorized to enter into contracts under the terms of which those owning facilities in the same reservoir may operate and maintain the state's storage facilities in such reservoir and under which the state, acting by and through the Board, may agree to pay reasonable operation and maintenance charges allocable to such state storage facilities. The Board may enter into contracts with political subdivisions of the state, with agencies of the state, and with the United States and its agencies for the development and operation of recreational facilities at reservoirs in which the state has acquired storage facilities. Income received by the Board from contracts for the development and operation of recreational facilities may be used by the Board for the same purposes as income from the sale of water may be used. The Legislature may make appropriations of available state funds for developing and operating recreational facilities at reservoirs in which the state has acquired storage facilities.

"(11) The Attorney General of Texas shall approve as to legality: (a) the resolution of the Board authorizing the acquisition and development of storage facilities as authorized in paragraph (1) of this Section 21-a; (b) all contracts between the

Board and the United States or any of its agencies for the acquisition and development of storage facilities constructed or to be constructed by the Federal Government; (c) all contracts or agreements by the Board for the sale, lease or transfer of acquired storage facilities, in whole or in part; (d) all contracts by the Board for the sale of water impounded in acquired storage facilities; and (e) all contracts by the Board for the development and operation of recreational facilities.

"(12) The Texas Water Development Board and the Texas Water Commission or its successor are hereby authorized to promulgate reasonable and necessary rules and regulations, separately or jointly, to implement and effectuate the provisions of this Act. Such rules and regulations and amendments thereto shall not be inconsistent with the provisions hereof and shall be approved by the Attorney General of Texas and filed with the Secretary of State."

Sec. 10. Chapter 425, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 8280-9, Vernon's Texas Civil Statutes), is amended by adding a Section to read as follows:

"Section 23. The Board shall make biennial reports in writing to the Governor in which shall be included data on the activities of the Board and such suggestions as to the amendment of existing laws and the enactment of new laws as the information and experience of the Board may suggest."

Section 11. Chapter 325, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 8280-9, Vernon's Texas Civil Statutes), is amended by adding a Section to read as follows:

"Section 24. (a) The Board shall be the state agency to cooperate with the Corps of Engineers of the United States Army and the Bureau of Reclamation of the United States Department of the Interior in the planning of water resource development projects in this state.

"(b) When a project is proposed for planning or development by the Texas Water Development Board, the Corps of Engineers of the United States Army, or the Bureau of Reclamation of the United States Department of the Interior, any political subdivision of Texas government may

make application to the Commission for designation as the cooperating local sponsor of the project.

"The application shall describe the purposes of the project, state the reasons for the application, the contemplated use of any water supplies the applicant might derive from the project in the event a valid permit for such use is subsequently granted by the Commission, and cite the contributions which the applicant is prepared to make to the planning or development of the project.

"The Commission shall prescribe the form to be used in applications for designation as cooperating local sponsors. Before accepting the application for designation, the Commission may require that the applicant complete the prescribed forms. Before making any designation of local sponsorship, the Commission shall set the application for hearing and give public notice of such hearing. Any interested party may appear and be heard for or against the designation of the applicant as project sponsor at the hearing.

"More than one cooperating local sponsor may be designated for each project, but each applicant must comply with the provisions stated herein. No application for designation as local sponsor shall cover more than one proposed project.

"After a public hearing, the Commission shall designate a local sponsor in accordance with the application or reject the application in a formal order stating the reasons for acceptance or rejection. The Commission may set a reasonable time period for any sponsorship designation.

"The Commission, in granting any future permit for the beneficial use of water supplies stored in a project for which it has designated a local sponsor, shall give full cognizance to that sponsor's contributions to the planning and development of the project.

"(c) To the extent that no local cooperator is prepared to undertake the sponsorship of a federal project in whole or in part, the Board may serve as state sponsor of the project."

Section 12. Savings Clause. The repeal of any law by this Act shall not affect or impair any act done or right, obligation or penalty existing or accrued under the authority of the law repealed; and such law shall be treated as still remaining in force for the

purpose of sustaining any proper action concerning any such act, right, obligation or penalty.

Section. 13. Severability Clause. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, this invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared severable.

Sec. 14. Applicability Clause. The amendment to Section 3, Chapter 425, Acts of the 55th Legislature, Regular Session, 1957, contained in Section 2 of this Act, does not affect the terms of office of persons who were appointed to the Texas Water Development Board before the effective date of this Act.

Sec. 15. Repealer Clause. All laws and parts of laws in conflict herewith are repealed to the extent of the conflict only.

Sec. 16. Emergency Clause. The fact that there is an urgent need for legislation to make the best possible use of the water resources of this state creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended; and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

(Senator Hall in the Chair).

Senate Resolution 801

Senator Parkhouse by unanimous consent offered the following resolution:

BE IT RESOLVED by the Senate of Texas that the Enrolling Clerk be directed to correct S. B. 145, Sec. 2, line 1, by changing the word and figures "page 25" to read: "Chapter 25."

The resolution was read and was adopted.

(President in the Chair.)

House Concurrent Resolution on First Reading

The following House Concurrent

Resolution received from the House, was read the first time and referred to the Committee indicated:

H. C. R. No. 139, To the Committee on Jurisprudence.

Reports of Standing Committee

Senator Herring by unanimous consent submitted the following reports:

Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 139, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 1061, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 74, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

House Joint Resolution 37 on Second Reading

The Senate resumed the consideration of the pending business, same being H. J. R. No. 37 on its second reading with an amendment by Senator Colson and a substitute for the pending amendment by Senator Strong pending.

Question—Shall the substitute by Senator Strong for the pending

amendment by Senator Colson be adopted?

The substitute by Senator Strong for the pending amendment by Senator Colson failed of adoption.

The pending amendment by Senator Colson was then adopted.

Senator Blanchard offered the following amendment to the resolution:

To amend H. J. R. No. 37 by striking out the resolving clause.

The amendment was read.

Question—Shall the amendment by Senator Blanchard to H. J. R. No. 37 be adopted?

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. C. R. No. 69, Creating a special interim committee to study the feasibility and desirability of creating "Pleasure Island State Park."

H. C. R. No. 151, Suspending the Joint Rules so that either House may take up and consider H. B. No. 1182 at any time.

H. B. No. 148, A bill to be entitled "An Act amending Section 4, Chapter 177, General Laws, Acts of the 39th Legislature, Regular Session, 1925, as amended, to permit hunting mink with dogs in Grayson County; etc.; and declaring an emergency."

H. B. No. 203, A bill to be entitled "An Act relating to the classes of counties that may use the jury wheel system in selecting jurors; amending Section 1, Chapter 395, Acts of the 58th Legislature, 1963; and declaring an emergency."

H. B. No. 158, A bill to be entitled "An Act providing a 25 cent fee for the issuance of exemption hunting licenses; amending Section 8, Chapter 370, Acts of the 55th Legislature, 1957; and declaring an emergency."

H. B. No. 228, A bill to be entitled "An Act to make it a crime to sell, buy, or possess compounds relating structurally to cantharidin; and declaring an emergency."

H. B. No. 244, A bill to be entitled "An Act relating to authorizing the governing body of any Home Rule City to set the date of election of city officers; providing that Home Rule Cities and certain school districts may conduct joint elections and prescribing certain procedure for the conduct of such joint elections; repealing conflicting laws; and declaring an emergency."

H. B. No. 319, A bill to be entitled "An Act authorizing counties, cities, towns, villages, authorities, districts and other political subdivisions of the State to establish Regional Planning Commissions; etc.; and declaring an emergency."

H. B. No. 323, A bill to be entitled "An Act conferring on the Parks and Wildlife Commission regulatory responsibility over the taking of wildlife resources in Wharton County; and declaring an emergency."

H. B. No. 355, A bill to be entitled "An Act authorizing county boards of school trustees and independent school districts to contract for school bus services with public transportation companies as an alternative to operating public school transportation systems; amending Article V, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949, as amended; and declaring an emergency."

H. B. No. 442, A bill to be entitled "An Act amending Section 1, Chapter 493, Acts of the 52nd Legislature, 1951, as amended, relating to the hunting of deer in Shelby, Rusk, Gregg, and Harrison Counties; and declaring an emergency."

H. B. No. 586, A bill to be entitled "An Act relating to the jurisdiction of the Willacy County Court; transferring certain causes from the 107th District Court; repealing Chapter 351, Acts of the 51st Legislature, Regular Session, 1949; and Chapter 33, Acts of the 51st Legislature, 1st Called Session, 1950; and declaring an emergency."

H. B. No. 568, A bill to be entitled "An Act relating to alligators in Chambers County; amending Sections 1 and 2, Chapter 144, Acts of the 57th Legislature, Regular Session, 1961; and declaring an emergency."

H. B. No. 587, A bill to be entitled "An Act creating the Court of Domestic Relations No. 2 of Tarrant County and providing for its jurisdiction, terms, personnel, administration, and procedures; and declaring an emergency."

H. B. No. 601, A bill to be entitled "An Act relating to hunting deer in Camp, Upshur, and Wood Counties; repealing Chapter 331, Acts of the 55th Legislature, Regular Session, 1957, and Subsection (A), Section 1, Chapter 267, Acts of the 56th Legislature, Regular Session, 1959, as amended; and declaring an emergency."

H. B. No. 675, A bill to be entitled "An Act to permit Texas state institutions of college rank to apply and collect resident rather than non-resident tuition rates to resident teachers or professors or other employees of Texas state institutions of college rank or their husbands or wives or children without regard for the length of time they may have resided in Texas; amending Subsection (h), Section 1, Chapter, 196, Acts of the 43rd Legislature, Regular Session, 1933, as amended and revised; and declaring an emergency."

H. B. No. 680, A bill to be entitled "An Act relating to Water Power Control Districts borrowing money from agencies of the federal government and others; amending Section 21, Chapter 76, Acts of the 43rd Legislature, Regular Session, 1933, as amended; and declaring an emergency."

H. B. No. 699, A bill to be entitled "An Act authorizing any city having a population of 900,000 or more according to the preceding federal census, acting by and through the official or officials of such city charged with the duty of managing and conducting its fiscal affairs, from time to time to invest any and all trust funds and special deposits in the custody of such city, to the extent of the amount of such funds that such official estimates are not required for immediate disbursement, by purchasing with such funds or some of them obligations of the United States government or by placing such funds or some of them on time deposit with a depository bank of such city; etc., and declaring an emergency."

H. B. No. 715, A bill to be entitled "An Act fixing the compensation of official shorthand reporters of each judicial district, civil or criminal, and the official shorthand reporters of each county court at law, civil or criminal, in any county having a population of not less than Six Hundred Fifty Thousand (650,000) nor more than Nine Hundred Thousand (900,000) inhabitants, according to the last preceding Federal Census; providing the time, method, and manner of payment; repealing all laws or parts of laws in conflict; providing a savings clause; and declaring an emergency."

H. B. No. 803, A bill to be entitled "An Act placing the wildlife resources of Travis County under the regulatory authority of the Parks and Wildlife Commission; providing an exception relating to archery hunting; amending Sections 1 and 9, Chapter 50, Acts of the 55th Legislature, Regular Session, 1957, as amended; and declaring an emergency."

H. B. No. 841, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Inverness Forest Improvement District'; etc.; and declaring an emergency."

H. B. No. 852, A bill to be entitled "An Act to remove deaf children from exemptions to the compulsory school attendance law; amending Article 2893, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 864, A bill to be entitled "An Act amending Subsection 2 of Article 139 of Chapter 8, Title 4, Revised Civil Statutes of Texas, 1925, relating to State Experiment Stations; and declaring an emergency."

"H. B. No. 884, A bill to be entitled "An Act amending subsection (c), Section 1, Chapter 292, Acts of the 57th Legislature, 1961; authorizing additional compensation for county judges performing the duties of county superintendent; and declaring an emergency."

H. B. No. 902, A bill to be entitled "An Act adding Panola County to the list of counties which are exempt from the application of the law reg-

ulating sale of herbicides; amending Section 17, Chapter 349, Acts of the 53rd Legislature, Regular Session, 1953; and declaring an emergency."

H. B. No. 909, A bill to be entitled "An Act relating to the recording in Matagorda County of marks and brands of owners of certain livestock; and declaring an emergency."

H. B. No. 940, A bill to be entitled "An Act amending Chapter 424, Acts of the 58th Legislature, 1963, page 1017, Section 24 by adding to section 24, allowing each commissioner in certain counties to certify to the assessor and collector names of citizens to be commissioned poll tax deputies."

H. B. No. 954, A bill to be entitled "An Act relating to permitting the Commissioners Courts of Hansford, Hutchinson and Ochiltree Counties to pay the salary of the Official Short-hand Reporter of the 84th Judicial District of Texas; fixing maximum allowances for expenses while engaged in the performance of official duties; and declaring an emergency."

H. B. No. 977, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Wilcrest Improvement District'; etc.; and declaring an emergency."

H. B. No. 978, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Briarwick Improvement District'; etc.; and declaring an emergency."

H. B. No. 1002, A bill to be entitled "An Act relating to automobile expense allowances for tax assessors and collectors in certain counties; and declaring an emergency."

H. B. No. 1070, A bill to be entitled "An Act relating to the salary of the Judge of the 75th Judicial District; amending Chapter 75, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency."

H. B. No. 1141, A bill to be entitled "An Act relating to removal of rough fish, bream, and sunfish from the public fresh waters of Wood County; and declaring an emergency."

H. B. No. 68, A bill to be entitled "An Act restricting the effect of adjudications in lower trial courts on proceedings in higher courts; providing for severability; and declaring an emergency."

H. B. No. 1096, A bill to be entitled "An Act relating to the Alabama-Coushatta Indian Reservation; creating the Commission for Indian Affairs and prescribing its powers, duties, and functions; transferring to the new Commission certain powers, duties and functions previously vested in the Board for the Texas State Hospitals and Special Schools; providing the authority for the Commission to issue Bonds; making other provisions; etc., and declaring an emergency."

H. B. No. 309, A bill to be entitled "An Act amending Sections (6a), (13), and (14) of Article 9.13, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, to allocate and appropriate a certain portion of the unclaimed refunds of motor fuel taxes for use in purchasing and maintaining boat ramps and access ways to public waters; and declaring an emergency."

Signed subject to provisions of Section 49A of Article III of the Constitution of State of Texas.

H. C. R. No. 152, Suspending Joint Rules so that either House may take up and consider House Bill No. 1181 at any time.

H. J. R. No. 1, Establishing the date on which newly elected Members of the Legislature shall qualify and take office.

H. B. No. 143, A bill to be entitled "An Act limiting the provisions of this Act to the County of Victoria; making it unlawful except under the provisions of this Act, for any person to hunt, take, kill or attempt to kill or possess, any game animal in said county at any time; to take, kill or trap or attempt to take, kill or trap any fur-bearing animal in said county or to take, or attempt to take any fish or other aquatic or marine animals from said county by any means or method; etc., and declaring an emergency."

H. B. No. 194, A bill to be entitled "An Act regulating the sale of shell-

fish, authorizing the State Commissioner of Health to declare polluted areas from which shellfish may not be taken for the purpose of sale and to establish rules and regulations fixing standards of sanitation in the handling of shellfish; defining 'shellfish,' 'polluted area,' 'Commissioner,' and 'person'; providing for the issuance of certificates of compliance to operators of shellfish shucking and packing plants; making certain acts unlawful; establishing an effective date; fixing penalties for violation; providing a severability clause; and declaring an emergency."

H. B. No. 392, A bill to be entitled "An Act amending paragraph (6), Section 3, of Chapter 154, Acts of the Fifty-second Legislature, Regular Session, 1951 (codified as Article 4590e, Vernon's Annotated Civil Statutes of Texas, known as the Healing Art Identification Act), as amended by Chapter 26, Acts of the Fifty-eighth Legislature, 1963, to provide the identification which shall be used by persons licensed to practice the healing arts by the State Board of Chiropractic Examiners; providing that this Act shall not invalidate or affect any outstanding license; providing that the unconstitutionality of any part of this Act shall not affect the validity of the remainder of the Act; and declaring an emergency."

H. B. No. 410, A bill to be entitled "An Act amending and revising Chapters 1 and 2, Title 94, Revised Civil Statutes of Texas, 1925, as amended, and certain other laws, as amended, relating to the State Militia, duty travel of members of the State Military Forces, federal service benefits, administration of oaths, interference with the performance of military duties, voting privileges, and Texas State Guard qualifications of General Officers and the Texas National Guard Armory Board; providing for severability; repealing certain enumerated laws and all other laws in conflict; and declaring an emergency."

H. B. No. 424, A bill to be entitled "An Act relating to the compensation of the District Attorney of the 49th Judicial District and to compensation, appointment, qualifications, powers, and duties of the personnel of the district attorney's office; and declaring an emergency."

H. B. No. 434, A bill to be entitled "An Act authorizing the Parks and Wildlife Department to negotiate reciprocity agreements with other states relating to hunting and fishing license fees; and declaring an emergency."

H. B. No. 501, A bill to be entitled "An Act changing the name of the 'Texas Confederate Home for Men'; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 518, A bill to be entitled "An Act releasing the right and privilege of the State of Texas of ingress and egress for purposes of exploring, producing and developing oil, gas and other minerals on and over the surface of certain land heretofore granted to the City of Corpus Christi out of the submerged lands in Corpus Christi Bay; etc., and declaring an emergency."

H. B. No. 559, A bill to be entitled "An Act relating to the jurisdiction of the county court of Red River County; repealing Chapter 498, Acts of the 44th Legislature, 3rd Called Session, 1936; Chapter 457, Acts of the 45th Legislature, Regular Session, 1937; and Chapter 23, page 196, General Laws, Acts of the 46th Legislature, 1939; and declaring an emergency."

H. B. No. 561, A bill to be entitled "An Act relating to hunting deer in Jim Hogg County; and declaring an emergency."

H. B. No. 592, A bill to be entitled "An Act amending Article 8309, Revised Civil Statutes, 1925, the same being Part 4 of the Workmen's Compensation Law, as said Article 8309 has been heretofore amended, by amending Section 1a of said Article to include for insurance coverage as employees every executive officer of any corporation other than charitable, religious, educational or other non-profit corporations; etc., and declaring an emergency."

H. B. No. 673, A bill to be entitled "An Act changing the name of the El Paso County Court at Law; and declaring an emergency."

H. B. No. 788, A bill to be entitled "An Act relating to fixing the minimum and maximum salary of the Official Shorthand Reporter for the

22nd Judicial District of Texas and declaring an emergency."

H. B. No. 1031, A bill to be entitled "An Act creating the Lipan Creek Flood Control District and providing for its administration, powers and duties, financing and procedures; and declaring an emergency."

H. B. No. 1065, A bill to be entitled "An Act relating to hunting quail in Zapata County; and declaring an emergency."

H. B. No. 1076, A bill to be entitled "An Act to provide for the sale and issuance of a patent on certain unpatented Permanent Free School Fund land in Castro and Deaf Smith Counties with a reservation of all minerals along with the leasing rights to the State; and containing an emergency clause."

H. B. No. 1135, A bill to be entitled "An Act relating to the creation, administration, powers and duties, and financing of the Nassau Bay Hospital District in Harris County; and declaring an emergency."

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on Senate Bill No. 107 by a non-record vote.

H. C. R. No. 170, Suspending the Joint Rules of the House and Senate in order to permit the House or Senate to take up and consider House Bill No. 1183 at any time.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 968 on Third Reading

Senator Moore moved to suspend the regular order of business to take up H. B. No. 968 for consideration at this time.

The motion prevailed by the following vote:

Yeas—19

Aikin	Moore
Bates	Patman
Blanchard	Ratliff
Colson	Reagan
Creighton	Rogers
Crump	Schwartz
Hall	Snelson
Harrington	Strong
Hazlewood	Word
Hightower	

Nays—9

Calhoun	Kazen
Cole	Parkhouse
Dies	Richter
Hardeman	Watson
Herring	

Absent

Kennard	Spears
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Absent—Excused

Krueger

The President then laid before the Senate on its third reading and final passage:

H. B. No. 968, A bill to be entitled "An Act relating to prerequisites for taking examination for license to practice law, etc., and declaring an emergency."

The bill was read the third time and was passed.

Record of Votes

Senators Cole, Hardeman, Herring, Parkhouse, Calhoun, Blanchard, Dies, Richter, Watson, Hall, and Spears asked to be recorded as voting "Nay" on the final passage of H. B. No. 968.

Conference Committee on House Bill 67

Senator Hall called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 67 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following as a Conference Committee on the part of the Senate on H. B.

No. 67: Senators Crump, Dies, Hall, Kazen and Parkhouse.

Conference Committee Report on Senate Bill 107

Senator Hardeman submitted the following Conference Committee Report on S. B. No. 107:

Austin, Texas,
May 27, 1965

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on Senate Bill No. 107 have met and adjusted our differences and beg leave to recommend that Senate Bill No. 107 be passed in the form attached hereto.

Respectfully submitted,

HARDEMAN
BATES
BLANCHARD
DIES
MOORE

On the part of the Senate

MANN
NUGENT
KNAPP
ARMSTRONG
TOWNSEND

On the part of the House

The Conference Committee Report was read and was adopted.

Record of Votes

Senators Aikin, Snelson, Ratliff, Patman, Hazlewood, Harrington, Colson, Word, Parkhouse and Hall asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report on S. B. No. 107.

Report of Standing Committee

Senator Crump by unanimous consent submitted the following report:

Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Legislative, Congressional, and Judicial Districts, to which was referred S. B. No. 440, have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass, as amended and be printed.

CRUMP, Chairman.

House Concurrent Resolution 164 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 164, Instructing Enrolling Clerk to make certain corrections in H. B. No. 627.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted by the following vote:

Yeas—30

Aikin	Kazen
Bates	Kennard
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word

Absent—Excused

Krueger

Enrolling of Senate Bill 107

On motion of Senator Hardeman and by unanimous consent Senate Rule 55 was suspended and S. B. No. 107 will be certified and sent to Governor in mimeographed form as adopted.

Text of Senate Bill 107 Ordered Printed As Supplement to Senate Journal

On motion of Senator Hardeman and by unanimous consent the text of S. B. No. 107 was ordered not printed in the Daily Senate Journal but was ordered printed as a Supplement to the Senate Journal in the number of copies deemed necessary.

Motion To Place House Joint Resolution 57 on Second Reading

Senator Calhoun asked unanimous

consent to suspend the regular order of business and take up H. J. R. No. 57 for consideration at this time.

There was objection.

Motion to Place House Bill 61 on Second Reading

Senator Watson asked unanimous consent to suspend the regular order of business to take up and consider H. B. No. 61.

There was objection.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 120, Resolved by the Senate, the House of Representatives concurring, that it is the sense of the Legislature of the State of Texas, etc.

S. J. R. No. 4, Proposing an Amendment to the Constitution of the State of Texas so as to authorize the Texas Legislature to provide a system of Retirement, Disability and Death benefits for the officials and employees of the various counties, or other political subdivisions of the State or the political subdivisions of any county; providing that this Amendment shall not repeal or amend Subsection (b) of Section 62 of Article XVI of the Texas Constitution.

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

House Bill 195 on Second Reading

On motion of Senator Crump and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 195, A bill to be entitled "An Act apportioning the State of Texas into Representative Districts; naming the Counties composing each District; providing the number of Representatives to be elected in each District; making the Act effective

for the elections for all Representatives from the places herein specified and described for the Sixtieth Legislature, and continuing in effect thereafter for succeeding Legislatures; providing the Act shall not affect present membership, personnel, or Representative Districts of the Fifty-ninth Legislature; and providing Special Elections for the filling of vacancies in the office of any Representative of the Fifty-ninth Legislature shall be filled in the District as it now exists; repealing Sections 1, 2, 3, 6, 7, and 8, Chapter 256, Acts of the 57th Legislature, Regular Session, 1961; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 195 on Third Reading

Senator Crump moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 195 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hightower
Bates	Kazen
Blanchard	Moore
Calhoun	Parkhouse
Cole	Ratliff
Colson	Reagan
Creighton	Richter
Crump	Rogers
Dies	Schwartz
Hall	Snelson
Hardeman	Strong
Harrington	Watson
Hazlewood	Word
Herring	

Present—Not Voting

Spears

Absent

Kennard Patman

Absent—Excused

Krueger

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Joint Resolution 57 on Second Reading

Senator Calhoun asked unanimous consent to suspend the regular order of business and take up H. J. R. No. 57 for consideration at this time.

There was objection.

Senator Calhoun then moved to suspend the regular order of business and take up H. J. R. No. 57 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Herring
Bates	Hightower
Blanchard	Parkhouse
Calhoun	Ratliff
Cole	Reagan
Creighton	Richter
Crump	Schwartz
Hardeman	Snelson
Harrington	Strong
Hazlewood	Word

Nays—7

Colson	Rogers
Hall	Spears
Kazen	Watson
Moore	

Absent

Dies	Patman
Kennard	

Absent—Excused

Krueger

The President laid before the Senate on its second reading and passage to third reading:

H. J. R. No. 57, A joint resolution proposing an amendment to Section 1-a of Article V of the Constitution of the State of Texas, by adding to said Section as presently written, the following provisions; requiring automatic retirement of certain District and Appellate Judges at age seventy-five (75) or such earlier age, not under seventy (70), as may be provided by law; creating a State Judicial Qualifications Commission and providing for its composition and the qualifications, methods of selection and terms of office of its members; etc., and declaring an emergency."

The resolution was read second time.

Senator Calhoun offered the following amendment to the resolution:

Amend House Joint Resolution No. 57, by striking out all of Section (2) and substituting in lieu thereof a new Section 2 to read as follows:

"(2) There is hereby created the State Judicial Qualifications Commission, to consist of nine (9) members, to-wit: (i) two (2) Justices of Courts of Civil Appeals; (ii) two (2) District Judges; (iii) two (2) members of the State Bar, who have respectively practiced as such for over ten (10) consecutive years next preceding their selection; (iiii) three (3) citizens, at least thirty (30) years of age, not licensed to practice law nor holding any salaried public office or employment; provided that no person shall be or remain a member of the Commission, who does not maintain physical residence within this State, or who resides in, or holds a judgeship within or for, the same Supreme Judicial District as another member of the Commission, or who shall have ceased to retain the qualifications above specified for his respective class of membership. Commissioners of classes (i) and (ii) above shall be chosen by the Supreme Court with advice and consent of the Senate, those of class (iii) by the Board of Directors of the State Bar under regulations to be prescribed by the Supreme Court with advice and consent of the Senate, and those of class (iiii) by appointment of the Governor with advice and consent of the Senate."

The amendment was read and was adopted.

Senator Calhoun offered the following amendment to the resolution:

Amending House Joint Resolution No. 57, by striking out all of Section 6 and substituting in lieu thereof a new Section 6 to read as follows:

"(6) Any Justice or Judge within the scope of this Section 1-a may, subject to the other provisions hereof, be removed from office for willful or persistent conduct, which is clearly inconsistent with the proper performance of his said duties or casts public discredit upon the judiciary or administration of justice; or any such Justice or Judge may be involuntarily retired for disability seriously interfering with the performance of his

duties, which is, or is likely to become, permanent in nature."

The amendment was read and was adopted.

Senator Hardeman offered the following amendment to the resolution:

Amend H. J. R. No. 57 by changing the dates in lines 40 and 41 of page 3 of the printed bill to read as follows:

"to be held on the first Tuesday after the first Monday in November, 1965."

The amendment was read and was adopted.

On motion of Senator Calhoun and by unanimous consent the caption was amended to conform to the body of the resolution as amended.

The resolution as amended was passed to third reading.

House Joint Resolution 57 on Third Reading

Senator Calhoun moved that Senate Rule 32 and the Constitutional Rule requiring resolutions to be read on three several days be suspended and that H. J. R. No. 57 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Hightower
Bates	Kazen
Blanchard	Kennard
Calhoun	Parkhouse
Cole	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Snelson
Hall	Spears
Hardeman	Strong
Hazlewood	Word
Herring	

Nays—5

Colson	Rogers
Moore	Watson
Patman	

Absent

Harrington	Schwartz
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Absent—Excused

Krueger

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—21

Aikin	Kazen
Bates	Kennard
Blanchard	Parkhouse
Calhoun	Ratliff
Cole	Reagan
Creighton	Schwartz
Crump	Snelson
Dies	Spears
Hardeman	Strong
Hazlewood	Word
Hightower	

Nays—7

Colson	Patman
Hall	Rogers
Herring	Watson
Moore	

Absent

Harrington	Richter
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Absent—Excused

Krueger

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 159, Suspending the Joint Rules so that either House may take up and consider House Bill No. 891 at any time.

H. C. R. No. 160, Suspending the Joint Rules to consider Senate Bill No. 530 or House Bill No. 1121.

H. C. R. No. 166, Suspending the Joint Rules to consider House Bill No. 211.

H. C. R. 158, Suspending the Joint Rules to consider House Bill No. 290.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

**Conference Committee on
House Bill 97**

Senator Patman called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 97 and moved that the request be granted.

The motion to grant the request prevailed.

**House Joint Resolution 65 on
Second Reading**

On motion of Senator Reagan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. J. R. No. 65, A Joint Resolution Proposing an Amendment to Section 3-b of Article VII of the Constitution of Texas providing that school taxes theretofore voted in any independent school district or in any junior college district shall not be abrogated cancelled or invalidated by a change in boundaries nor shall bonds voted, but unissued, at the time of such change, be invalidated by such change; authorizing the levy of taxes after such change without further election in the district as changed; providing an exception in the case of the annexation or consolidation of whole districts; providing for an election and the issuance of a proclamation therefor.

The resolution was read second time and passed to third reading.

**House Joint Resolution 65 on
Third Reading**

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that H. J. R. No. 65 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Colson
Bates	Creighton
Blanchard	Crump
Calhoun	Dies
Cole	Hall

Hardeman	Ratliff
Harrington	Reagan
Hazlewood	Richter
Herring	Rogers
Hightower	Schwartz
Kazen	Snelson
Kennard	Spears
Moore	Strong
Parkhouse	Watson
Patman	Word

Absent—Excused

Krueger

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—30

Aikin	Kazen
Bates	Kennard
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word

Absent—Excused

Krueger

Bills and Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

S. J. R. No. 24, Proposing an Amendment to the Constitution of the State of Texas by amending Article VII, Section 17, providing a method of payment for the repairing, rehabilitation, acquiring, constructing and equipping of buildings and other permanent improvements at certain State institutions of higher learning; providing for appropriation therefor by the Legislature; providing for an election and the issuance of a proclamation therefor.

S. B. No. 544, A bill to be entitled "An Act creating and establishing Texarkana State College at Texar-

kana, Texas, as a coeducational institution of higher learning, providing that the organization, management and control of said College shall be vested in the Board of Regents of the State Teachers Colleges; etc., and declaring an emergency."

S. B. No. 470, A bill to be entitled "An Act amending Chapter 314, Acts of the 41st Legislature, Regular Session, 1929, as amended (Codified as Article 911b, Vernon's Texas Civil Statutes), and known as the Motor Carrier Act,' by amending Section 1 (g) relating to transportation of property between contiguous municipalities and within certain commercial zones; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 1181, A bill to be entitled "An Act levying an additional tax on cigarettes, etc., and declaring an emergency."

H. B. No. 1182, A bill to be entitled "An act concerning payment and administration of the Inheritance Tax, etc., and declaring an emergency."

House Concurrent Resolution 73 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 73, Requesting a study by the Texas Legislative Council of county government systems.

The resolution was read.

Senator Word offered the following amendment to the resolution:

Amend H. C. R. 73 by striking out all below the title "House Concurrent Resolution" and substituting in lieu thereof the following:

"Whereas, there is mounting evidence that city, county and state government in Texas is in need of revision and modernization to make it more adequate and responsive to modern life and conditions, Now, Therefore, Be It

Resolved by the House of Representatives of the State of Texas, the Senate concurring, that the Texas Legislative Council be requested to study city, county and state government in Texas with a view to recommending ways of modernizing it and

making it more responsive to contemporary needs, and that the Council be requested to report its findings and recommendations to the Regular Session, 60th Legislature.

The amendment was read and was adopted.

The resolution as amended was then adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of H. C. R. No. 73.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 58, A bill to be entitled "An Act amending Section 24 of House Bill No. 407, Chapter 4, page 602 of the General Laws, Acts of the 46th Legislature, Regular Session, 1939, to provide for a right of survivorship agreement between husband and wife, to provide for the issuance of the certificate of title in the name of both; amending Section 35 of the same House Bill No. 407, relating to the issuance of a new certificate of title upon the transfer of title by operation of law; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 1011 on Second Reading

On motion of Senator Kazen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1011, A bill to be entitled "An Act relating to leasing mineral interests when the whereabouts of one or more of the owners is unknown; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 1011 on Third Reading

Senator Kazen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1011 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kazen
Bates	Kennard
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word

Absent—Excused

Krueger

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Kazen
Bates	Kennard
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word

Absent—Excused

Krueger

House Concurrent Resolution 160 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 160, Suspending the Joint Rules to take up at any time S. B. No. 530 or H. B. No. 1121.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 123

Senator Kennard offered the following resolution:

S. C. R. No. 123, Endorsing the participation of the State of Texas in the Trade Mission program as a means of promoting the economic development of Texas.

Whereas, it is the intent of the 59th Session of the Legislature of the State of Texas to do everything within its power and scope of activities to encourage the economic growth of Texas, and,

Whereas, it has been brought to our attention that one of the most effective means is the sponsorship of a Trade Mission to foreign countries, and

Whereas, this Legislature has authorized the setting up of an Export Development Office within the Texas Industrial Commission, and

Whereas, we have also passed and Governor John Connally has signed legislation repealing the antiquated alien land laws as an expression of our sincere desire to encourage the exchange of trade and investments with all nations, and

Whereas, other states have successfully sponsored Trade Missions which have attributed measurably to their economic betterment through the furthering of better trade relations with our neighbors,

Therefore Be It Resolved, that the 59th Session of the Texas Legislature does hereby urge that Governor John Connally personally participate in one or more Trade Missions at his earliest convenience, and that the Texas Industrial Commission through its newly authorized Export Expansion program and through utilization of its Task Force Funds assist in the execution of this mission and that the business and industrial communities of Texas be urged to participate in these Missions as both an indication of their desire for world trade and as a means of furthering the economy of Texas, and be it further

Resolved, that the Governor may name and designate such participants of such Trade Missions as he may deem proper and desirable.

KENNARD
PATMAN
HALL
MOORE
HERRING
CREIGHTON
SPEARS
KRUEGER
SNELSON

The resolution was read.

On motion of Senator Kennard and by unanimous consent the resolution was considered immediately and was adopted.

House Concurrent Resolution 159 on Second Reading

The President laid before the Senate on its second reading:

H. C. R. No. 159, Suspending the Joint Rules to take up at any time H. B. No. 891.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 124

Senator Strong offered the following resolution:

S. C. R. No. 124, Suspending Joint Rules so that either House may take up and consider S. B. No. 440 at any time.

BE IT RESOLVED by the Senate of the State of Texas, the House of Representatives concurring, That the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider S. B. No. 440 at any time.

The resolution was read.

On motion of Senator Strong and by unanimous consent the resolution was considered immediately and was adopted.

Senate Bill 440 Ordered Not Printed

On motion of Senator Strong and by unanimous consent S. B. No. 440 was ordered not printed.

House Joint Resolution 37 on Second Reading

The Senate resumed the consideration of the pending business, same being H. J. R. No. 37 on its second reading with an amendment by Senator Blanchard pending.

Question—Shall the amendment by Senator Blanchard to H. J. R. No. 37 be adopted?

Senator Blanchard by unanimous consent withdrew the pending amendment.

The resolution was then passed to third reading.

Record of Votes

Senators Hardeman, Parkhouse, Creighton, Strong, and Blanchard asked to be recorded as voting "Nay" on the passage of H. J. R. No. 37 to third reading.

House Joint Resolution 37 on Third Reading

Senator Bates moved that Senate Rule 32 and the Constitutional Rule requiring resolutions to be read on three several days be suspended and that H. J. R. No. 37 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Kennard
Bates	Moore
Calhoun	Patman
Colson	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Harrington	Schwartz
Hazlewood	Snelson
Herring	Spears
Hightower	Watson
Kazen	Word

Nays—5

Blanchard	Parkhouse
Creighton	Strong
Hardeman	

Absent

Cole

Absent—Excused

Krueger

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and passed by the following vote:

Yeas—24

Aikin	Kazen
Bates	Kennard
Blanchard	Moore
Calhoun	Patman
Colson	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Watson
Hightower	Word

Nays—5

Creighton	Ratliff
Hardeman	Strong
Parkhouse	

Absent

Cole

Absent—Excused

Krueger

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 59, A bill to be entitled "An Act amending Chapter III, Article 12; Chapter IV, Article 1; Chapter IV, Article 6, as amended; Chapter V, Article 3; Chapter V, Article 5; Chapter V, Article 6; Chapter V, Article 8; all of said chapters and articles being a part of the Texas Banking Code of 1943; etc., and declaring an emergency."

(With amendment).

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 61 on Second Reading

Senator Watson asked unanimous consent to suspend the regular order of business to take up H. B. No. 61 for consideration at this time.

There was objection.

Senator Watson then moved to suspend the regular order of business and take up H. B. No. 61 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

Aikin	Kazen
Bates	Kennard
Calhoun	Moore
Colson	Reagan
Crump	Richter
Dies	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word

Nays—6

Blanchard	Patman
Creighton	Ratliff
Parkhouse	Snelson

Absent

Cole

Hall

Absent—Excused

Krueger

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 61, A bill to be entitled "An Act authorizing certain cities of more than ten thousand (10,000) inhabitants, according to the last preceding federal census to adopt a program whereby upon consent of any municipal employee a stipulated amount will be withheld from his monthly salary or wages to be forwarded to this bona fide employee's association in payment of membership dues; providing penalties for violation; and declaring an emergency."

The bill was read second time.

Senator Parkhouse offered the following amendment to the bill:

Amend House Bill No. 61 by adding a new paragraph to Section 1 to be known as subsection (), to read as follows:

"(a) Nothing in this Act shall be construed as invalidating any provision of a city charter."

The amendment was read.

Question—Shall the amendment by Senator Parkhouse to H. B. No. 61 be adopted?

House Concurrent Resolution on First Reading

The following House Concurrent Resolution received from the House, was read the first time and referred to the Committee indicated:

H. C. R. No. 138, To the Committee on Jurisprudence.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 171, Expressing appreciation to the friends of President Lyndon B. Johnson who are presenting a portrait of the President's father to the Texas Legislature.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Concurrent Resolution 171 on Second Reading

The President laid before the Senate on its second reading:

H. C. R. No. 171, Expressing appreciation to the friends of President Lyndon B. Johnson who presented portrait of President's father to Legislature.

The resolution was read.

On motion of Senator Krueger and by unanimous consent the resolution was considered immediately and was adopted.

Notice of Local and Uncontested Bills Session

On motion of Senator Hall and by unanimous consent the Senate agreed to hold a session for the consideration of a Local and Uncontested Bills Calendar tomorrow at 10:00 o'clock a.m.

Senate Resolution 803

Senator Hall by unanimous consent offered the following resolution:

BE IT RESOLVED by the Senate, That the Senate Engrossing and Enrolling Clerk be instructed to change the word "Chambers" to the word "Galveston" immediately following the words "Harris and" in the 5th line of Section 18 of Senate Bill No. 547, and by deleting the words "and Waller" on line 2 of Section 18, and add the word "and" between the words "Fort Bend, Galveston."

The resolution was read and was adopted.

Report of Standing Committee

Senator Herring by unanimous consent submitted the following report:

Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence to which was referred H. C. R. No. 138, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Memorial Resolutions

S. R. No. 793—By Senator Hazlewood: Memorial resolution for Gene Howe.

Welcome and Congratulatory Resolutions

S. R. No. 783—By Senators Cole and Herring: Expressing appreciation and gratitude to William E. Allen, on retirement as superintendent of Texas School for the Blind.

S. R. No. 784—By Senators Krueger and Herring: Extending congratulations to Colonel Frank P. Bender for long and illustrious service to country on retirement as Commander of Bergstrom Air Force Base.

S. R. No. 790—By Senator Snelson: Extending congratulations to The First National Bank of Midland.

S. R. No. 791—By Senator Rogers: Extending congratulations and commending the pioneering Citizens of Littlefield.

S. R. No. 794—By Senator Harrington: Extending welcome to Mr. and Mrs. J. E. Richardson of Port Arthur.

S. R. No. 795—By Senator Herring: Extending welcome to the 7th Grade students and teacher from University Junior High School of Austin.

S. R. No. 796—By Senator Herring: Extending welcome to the 7th Grade Social Studies students and teacher of the Pearce Junior High School in Austin.

S. R. No. 797—By Senator Crump: Extending welcome to the students and teacher of the eighth grade class of Doss School.

S. R. No. 800—By Senator Watson: Extending welcome to John Riley, et al., of Waco.

S. R. No. 802—By Senator Watson: Extending welcome to Bob Sheehy of Waco.

Recess

On motion of Senator Aikin the Senate at 4:56 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

APPENDIX

Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 55, "An Act relating to residence requirements for employees and officials of city governments; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 141, "An Act to be known as the Uniform Commercial Code, Relating to Certain Commercial Transactions in or regarding Personal Property and Contracts and other Documents concerning them, including Sales, Commercial Paper, Bank Deposits and Collections, Letters of Credit, Bulk Transfers, Warehouse Receipts, Bills of Lading, other Documents of Title, Investment Securities, and Secured Transactions including certain Sales of Accounts, Chattel Paper, and Contract Rights; Providing for Public Notice to Third Parties in Certain Circumstances; Regulating Procedure, Evidence and Damages in Certain Court Actions Involving such Transactions, Contracts or Documents to Make Uniform the Law with Respect Thereto; Repealing Inconsistent Legislation; amending Chapter 195, Acts of the 52nd Legislature, 1951; providing an appropriation; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 544, An Act relating to the reclassification of Texarkana Junior College as a public senior college, to be known as Northeast Texas State College; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 470, An Act amending Chapter 314, Acts of the 41st Legislature, Regular Session, 1929, as amended (Codified as Article 911b, Vernon's Texas Civil Statutes), and

known as the "Motor Carrier Act," by amending Section 1(g) relating to transportation of property between municipalities and within certain commercial zones; repealing all laws in conflict herewith; and declaring an emergency."

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. J. R. No. 24, Proposing an amendment to the Constitution of the State of Texas by amending Article VII, Section 17, providing a method of payment for the acquiring, constructing and equipping of buildings and other permanent improvements at certain state institutions of higher learning; providing for allocation of funds therefor; authorizing the issuance of bonds or notes and the pledging of allotted funds for the pay-

ment of same; providing for an election and the issuance of a proclamation therefor.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Sent To Governor

May 27, 1965

S. B. No. 55
S. B. No. 127
S. B. No. 141
S. B. No. 314
S. B. No. 470
S. B. No. 544
S. J. R. No. 24
S. C. R. No. 68
S. C. R. No. 87
S. C. R. No. 88
S. C. R. No. 89
S. C. R. No. 90
S. C. R. No. 91
S. C. R. No. 112
S. C. R. No. 116
S. C. R. No. 118

In Memory of J. Frank Dobie

Senator Kennard offered the following resolution:

(Senate Resolution 787)

Whereas, A pioneer who walked among us is gone; we scarcely knew he was a history-maker when he was alive; he was so warm and open and simple, so ready to laugh and tell a story; but the time has come to take note of the mark left in Texas by J. Frank Dobie, who died in his Austin home on September 18, 1964, eight days before his 76th birthday; and it is fitting for us to commemorate the era and the man who worked hard and long to mine from his native state the stuff of history.

Dobie studied books and documents, but went where very few had gone before—to the people themselves—to make his records of this state, this region; he listened to those who had been up the trail to Kansas, to those who had ridden the brush and fought the drouth and hunted the gold in this land; and he listened to the rememberers, who handed down the lore and the legends told them by their forefathers. Then he put down what he had learned, and Texans and the world began to better understand this state and the great Southwest.

Dobie breathed life into history; he put it in the tongue of the common man; he put in the colors of the sunset, the bite of the wind, and the mystery of a campfire tale; the pulse in a Dobie chronicle was what bridged the gap between the humanity of the past and humanity of the present.

We shall have to do with Dobie's writing now, and the memory of this honest man; while he was alive, Dobie not only wrote the story of the people and animals and weather and soil of the land; but he told it, too—in the company of friends and in the lecture room; writing was a chore for him; talking was a pleasure; he became one of the greatest teachers the Southwest has known; he brought the Southwest into the classroom and made it come alive for thousands of students at The University of Texas, where he served over a span of 33 years. But Dobie was a scholarly man and a scrupulous craftsman in the art of writing and he became Texas' leading man of letters, known throughout the world for his books and articles and newspaper stories.

While he dealt with everyday speech, Dobie's writing had the grace and substance that marks the maker of literature; his prose was muscular and granite-hard, befitting his subject matter, and standing as an example to the writer who would seek and find the right word before cluttering his page with approximations.

J. Frank Dobie saw the history of his state with a clear eye. He showed valor and fortitude and enterprise where it existed, but he did not distort nor glamorize; he showed us that the world can respect a region, even be entranced by it, without that region's being pictured with melodrama and sentimentality; J. Frank Dobie gave us, and the world, an honest view of Texas; he made heroes of its men, and men of its heroes.

In the land of the cowboy, the pioneer and the Alamo, J. Frank Dobie resisted the temptations to romanticize; he brought a maturity to his work forged out of a scholarly grasp of not only his region's history, but the history of mankind—a maturity fibered with the training he received from his parents at his ranch home in Live Oak County, where he grew up loving the land and the good books which surrounded him.

We are indebted to J. Frank Dobie—not only because he invested the plain man of Texas with a dignity, and found the true human dignity that lay beneath the scarlet mantles of our heroes; not only because he established a true and lasting image of Texas that will shine when more glamorous projections have faded and gone.

We are in his debt because of the legacy he leaves us of a man who discovered the art of living, and spread this genial knowledge to those around him, and who infused

his works with a human warmth that will kindle other hearts through generations.

We owe him gratitude for the charm and splendor he brought the legendry of our culture—for his was not a grim and solemn recording of fact, but also a chronicling of man's dreams and laughter.

We are in his debt because of the memory of a man whose face grew florid and his voice thunderous when he was confronted with pomposity; with bigotry, or with the trammelling of any freedom—intellectual, economic, political, or spiritual.

We are in his debt because he fought, sometimes singlehandedly, to preserve the Texas heritage in writings, art, museums, statuary and buildings; he fought, likewise, against the spurious, false, impure and ill-suited, whether it be in a monument or school building or history book—the shady, man-befitting gallery of a Southwestern ranch house had more value to him than a transplanted Grecian temple of finest marble—but J. Frank Dobie could also say: "I think it is more important that a dweller in the Southwest read 'The Life and Death of Socrates' than all the books extant on killings by Billy the Kid."

We are in debt to J. Frank Dobie because of the ground he has broken and the paths he has cleared for writers who came after him, and who were benefited thus benefiting all of us, by this trailblazer of our culture.

Dobie was a strong conscience in our midst.

Writers and non-writers alike could well paste in their hats his dictum: "It is better to have a just sense of values unsatisfied than to have a cheap sense of values fulfilled. . . ." So wrote Dobie in telling why he left a Texas folk character, Judge Roy Bean, out of a book. ". . . he was essentially a publicity-hunting imposter and vulgarian," Dobie wrote, "and striving to make a hero out of him only adds to the hardship of Texas for heroes possessing the elements of nobility."

We are, finally, indebted to one who stands among us still. Throughout her husband's entire professional writing career, Bertha McKee Dobie was an informed and sustaining helper in his vast literary undertakings, and as no one else could, she now carries on her husband's work; now, therefore, be it

Resolved, by the Senate of Texas, That this Resolution stand in memory of J. Frank Dobie, and that copies, under the Seal of the Senate, be prepared and forwarded to Mrs. Dobie and other members of his family, and that when the Senate adjourns this day that it do so in honor of this great citizen of Texas.

KENNARD

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Kazen, Krueger, Moore, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Kazen and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.

In Memory of Homer Norton

Senator Moore offered the following resolution:

(Senate Resolution 789)

Whereas, A most distinguished Texan, and famous Texas A. & M. University Coach, Homer Norton, succumbed at his home, 1114 Ashburn East in College Station, Texas, at 8:30 a.m. on Wednesday, May 26, 1965 when he suffered a fatal heart attack; and

Whereas, The 69-year-old coach was the only man to take Texas A. & M. to a national football championship in 1939; and

Whereas, He was head coach at A. & M. from 1934 through 1947, fielding teams that won 82 games, lost 53 and tied 9; his unbeaten 1939 team scored 212 points and allowed only 31 points to opposition, and was one of eight Norton-coached teams that won more than it lost; and

Whereas, Coach Norton tutored five all-Americans including Routt, the great fullback John Kimbrough, tackle Joe Boyd, guard Marshall Robnett and halfback Derace Moser; and

Whereas, Mr. Norton, while head coach, had a total of 31 Aggies who made All-Southwest Conferences; and

Whereas, Mr. Norton coached outstanding teams in the Southwest Conference, not only from Texas A. & M. University, but from Southern Methodist University and Centenary; and

Whereas, After retiring from coaching, he went into the restaurant business and lived at Galveston and Rosenberg before returning to make his home in College Station for the past three years, where he owned and managed the Pancake House on Highway 6 across from the University; he was charter president of the Bryan-College Station Restaurant Association; and

Whereas, In addition to his popular restaurants, the Helms Foundation Hall of Fame coach was a newspaper sports columnist, writing for the Houston Post as football analyst in past seasons; and

Whereas, Mr. Norton was a native of Carrollton, Alabama; and

Whereas, In all the years filled with outstanding activities, Mr. Norton earned the admiration and respect of his fellow citizens; and

Whereas, He is survived by his wife, Chris, and four daughters, Lorena, Sandra, Donna and Mrs. Ed Lee of Houston; now, therefore, be it

Resolved, That when the Senate adjourns this day it do so as a mark of respect to this outstanding citizen; and be it further

Resolved, That a page be set aside in the Journal of the Senate as a tribute to his memory and that enrolled copies of this Resolution be sent to members of his immediate family.

MOORE

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Haslewood, Herring, Hightower, Kazen, Kennard, Krueger, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Calhoun and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.